

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41169 of 2019**

Arising Out of PS. Case No.-78 Year-2019 Thana- GWALPARA District-
Madhepura

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ANUGRAH KUMAR S/o Sri Bhupendra Yadav R/o village- Jhitkia, P.S.-
Gwalpara (Arar O.P.), District- Madhepura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Praveen Kumar Agrawal, Advocate.

For the Opposite Party: Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 05-09-2019

Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the
offences alleged under Sections 147, 341, 323, 379, 385, 384,
506/34 of the Indian Penal Code registered in connection with
Gwalpara (Arar) P.S. Case No. 78 of 2019.

3. It is submitted that the petitioner has been falsely
implicated and the F.I.R. is against as many as 10 persons. The
accusations are general and omnibus without any specific
accusation attributed individually. The accusations of theft is
ornamental and has been added merely to grab to the case. The
ingredients of Sections 384 and 385 IPC are not attracted in the
absence of any accusation of demand been made much less of
delivery of any manner. There is history of criminal cases
instituted against each other between the parties as enumerated
in paragraph-3 of the petition.

4. Be that as it may, in the event of the petitioner's



arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate Ist Class, Uda Kishunganj, Madhepura in connection with Gwalpara (Arar O.P.) P.S. Case No. 78 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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