

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43479 of 2019

Arising Out of PS. Case No.-1186 Year-2018 Thana- SASARAM NAGAR District- Rohtas

Chandan Kumar Singh S/o Shamsheer Singh, R/o Village- Sakhuani, P.O.-
Panjar, P.S.- Karahagar, Distt.- Rohtas.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dineshwar Mishra, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 24-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner in the present case is seeking anticipatory
bail in connection with Sasaram Town (Darigaon) P.S. Case No.
1186 of 2018 registered for the offences punishable under
Sections 147, 148, 149, 420, 406, 380, 504 and 506 of the Indian
Penal Code.

Learned counsel for the petitioner submits that from a
bare reading of the first information report it would appear that the
informant himself admits to have invested the money towards the
capital contribution for purpose of business with the petitioner.
The FIR shows that it has been lodged only as a measure to get
refund of the money. Learned counsel submits that the further
allegation is that the petitioner had taken Rs. 35,000/- from the



wife of the informant and then had gone to the office of the informant where he was threatened are only super addition.

Learned APP for the State has opposed the prayer of anticipatory bail as according to him process under Section 82 Cr.P.C. has already been issued against the petitioner.

Learned counsel for the petitioner has explained that this case is of the year 2018, he had filed his application seeking anticipatory bail in the court of learned Sessions Judge immediately after the FIR was lodged which will be evident from the Anticipatory Bail Petition No. 2554 of 2018. The bail application which was filed in the year 2018 remained pending and was ultimately disposed of on 02.03.2019 by the learned Sessions Judge, Rohtas at Sasaram and thereafter petitioner has moved this Court seeking his remedy, therefore, it is his submission that if the process under Section 82 Cr.P.C. has been issued during the period the petitioner was pursuing his remedy, his prayer for anticipatory bail cannot be thrown out on this ground alone.

Considering the facts and circumstances of this case, whereunder the FIR itself shows that according to the informant he had brought money in the business and then he was looking for refund of the same as also the fact that the process under Section 82 Cr.P.c. has been issued during pendency of the anticipatory bail



application, this Court is inclined to grant anticipatory bail to the petitioner.

Let the petitioner in the event of his arrest or surrender within a period of four weeks from today, be enlarged on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sasaram in connection with Sasaram Town (Darigaon) P.S. Case No. 1186 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

vats/ved

U		T	
---	--	---	--

