

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71109 of 2019

Arising Out of PS. Case No.-30 Year-2019 Thana- DHAMDAHA District- Purnia

Atal Bihari @ Bhikhari Yadav @ Bhikhari Yadav @ Atal Bihari, Son of
Bajjnath Yadav @ Lukhru Prasad Yadav, Resident of Village - Madhav Nagar
(Madho Nagar), P.S.- Bhawanipur, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha

For the Opposite Party/s : Mr.Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioner and learned
APP for State.

The petitioner in this case is seeking anticipatory bail in connection with Dhamdaha P.S. Case No.30 of 2019 registered for the offences punishable under Sections 313 and 314 of the Indian Penal Code. Later on Sections 313 and 314 were corrected and replaced by Sections 413 and 414 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case due to village politics. Learned counsel submits that no incriminating article has been recovered from the possession of this petitioner.



Learned APP for the State is present and has opposed the prayer for anticipatory bail of the petitioner.

Considering the facts and circumstances of the case where learned counsel for the petitioner has been able to demonstrate from the seizure list that the name of this petitioner has been introduced later on in small words and that it is a submission that it is a false implication as also that the seizure list was not made available to any member of the family of the petitioner, if the stolen motorcycle is said to have been recovered from the house of this petitioner as also that the petitioner has no criminal antecedent and no other independent material has come against him, 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, Purnea in connection with Dhamdaha P.S. Case No.30 of 2019, 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)

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