

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4724 of 2020

Arising Out of PS. Case No.-172 Year-2018 Thana- POTHIYA District- Kishanganj

PRABHU DAS @ PRABHU Son of Late Tapu Lal Das @ Tepu Lal Das
Resident of Village - Bansh bari, P.S.- Chopra, Distt - Uttar Dinajpur (W.B.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Opposite Party/s : Mrs. Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-01-2020 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Pothia P.S. Case No. 172 of 2018 for the offence registered under
Sections 341, 323, 120B, 353, 379, 504, 506/34 of the Indian
Penal Code.

The allegation is regarding the petitioner and the other
co-accused person having fled away with the tractor loaded with
sand while it was being guarded by the village Choukidar.

The learned counsel for the petitioner has submitted
that for the same offence one other case bearing Pothia P.S. Case
No. 171 of 2018, had been registered and the petitioner was
arrested in the said case whereafter he has been granted bail,
however, the Police had forgotten to remand the petitioner in the
present case and the petitioner came out of the jail custody.



However, subsequently the petitioner came to know that the present case has been filed and the petitioner is an accused in the said case. It is submitted that since the petitioner has already been granted regular bail in the other case, he should also be admitted to the privilege of anticipatory bail as far as the present case is concerned.

Having regard to the facts and circumstances of the case and considering the submissions of the learned counsel for the petitioners, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj in connection with Pothia P.S. Case No. 172 of 2018 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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