

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16209 of 2020

Arising Out of PS. Case No.-35 Year-2016 Thana- DIGHALBANK District- Kishanganj

Srawan Kumar @ Sarwan Kumar Son of Sahdev Rajbhar @ Sahdev Rajbhat
Resident of Village - Singhimari, Ward No.- 08, P.S.- Kodhobari, Distt.-
Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 04-09-2020 Heard learned counsel for the petitioner as well as
learned A.P.P. for the State through video conferencing.

The petitioner apprehends his arrest in Dighalbank
P.S. Case No. 35 of 2016 registered for the offence under
Sections 406/477/34/120(B) of the Indian Penal Code as well as
Sections 128/136(2)(a) of R.P.Act, 1951.

It is submitted on behalf of petitioner that petitioner is
innocent and has falsely been implicated on the basis of mere
suspicion. In this case, petitioner was simply a Polling Agent of
one Jiyaul Haque, who was also one of the candidate for the
post of Zila Parishad in Panchayat Election-2016. It is the duty
of the Presiding Officer as well as Polling Magistrate to
preserve the ballot paper and counter foil. It is further submitted
that similarly situated co-accused have already been granted bail



by this Court, vide order dated 06-03-2020 passed in Cr. Misc.
No. 12648 of 2020.

Considering the aforesaid facts and circumstances, the
anticipatory bail application is allowed.

In the event of arrest or surrender within a period of
eight weeks from the date of receipt/production of copy of this
order, let the above-named petitioner be enlarged on bail on
furnishing bail bonds of Rs. 10,000/- (ten thousand) with two
sureties of the like amount each to the satisfaction of learned
Sub-Divisional Judicial Magistrate, Kishanganj in connection
with Dighalbank P.S. Case No. 35 of 2016, subject to condition
as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Singh, J.)

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