

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6914 of 2020**

Arising Out of PS. Case No.-56 Year-2015 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Neeraj Kumar Chaudhary Son of Tripit Choudhary Resident of Village-
Jalsain, P.S.- Rudrapur, District- Madhubani.

... .. Petitioner

Versus

1. The State of Bihar
2. Bhola Ram Mandal Son of Late Basudeo Mandal Resident of Village-
Chanauraganj, P.S-Jhanjharpur, District-Madhubani.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Adv.

For the Opposite Party/s : Mr.Uday Chand Prasad APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 18-06-2020 The matter has been listed today for consideration
through Video Conferencing.

Learned counsel for the petitioner and the State are
appearing and making submissions from their residence. The
Court Master and Secretary are also part of this virtual court
proceedings from their homes, all with the aid of audio visual
technology.

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

Petitioner apprehends arrest in connection with
complaint case no. 56/87 of 2015, T.R. No. 1860 of 2018
instituted for the offence under Section 379 of the Indian Penal



Code.

Complaint petition has been filed that after withdrawing 2.5 lacs from the bank the complainant was returning. The petitioner along with his wife stopped the auto rickshaw and snatched the money bag on the point of dagger.

Petitioner's counsel submits that from bare reading of the complaint petition, it is apparent that a false case has been made out based on highly unprobable allegation of theft at dagger point by the petitioner along with his wife. The fact that the auto rickshaw driver has not stated anything about the occurrence is also indicative of the falsehood. Even the Court has not believed the complaint case and cognizance has been taken for the offences only in respect of the petitioner, and not his wife. The petitioner and the complainant are neighbours and it is a case of false implication based on subsisting animosity. The petitioner has no criminal antecedents.

The learned APP for the State opposed the prayer for bail.

Considering the aforesaid facts, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, before the court below, within four (04) weeks from today, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten



thousand) with two sureties of the like amount each to the satisfaction of the **ACJM-III, Jhanjharpur** in connection with **complaint case no. 56/87 of 2015, T.R. No. 1860 of 2018,** subject to the conditions as laid down under Section 438(2) Cr. P.C. subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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