

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29081 of 2021

Arising Out of PS. Case No.-357 Year-2019 Thana- CHAINPUR District- Kaimur (Bhabua)

BHAGIRATH KUMAR @ BHAGIRATH Son of Babu Lal @ Babula
Chauhan Resident of Village- Gorkhi, P.S. - Jamalpur, District - Mirzapur
(U.P.).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parwej Khan, Advocate

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceedings of the Court are being conducted through Video Conferencing and the
Advocates joined the proceedings through Video Conferencing from their residence.)

2 13-08-2021 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner apprehends his arrest in a case registered
under Sections 498, 366 & 379 of the Indian Penal Code.

Informant has alleged that on 26.09.2019 at about 12
noon, his wife Nitu Devi after taking ornaments and Rs.
60,000/-left his house and fled away with the petitioner.

It has been submitted on behalf of petitioner that he is
innocent and has been falsely implicated in this case only on the
basis of suspicion. It has been further submitted that occurrence
took place on 26.09.2019 but FIR was lodged on 01.10.2019
after delay of 4 days without any explanation. There is no eye

witness of the occurrence. It has been further submitted that wife of the informant had herself left her house willingly. Petitioner has no criminal antecedent.

Considering the facts and circumstances of the case, prayer of anticipatory bail is allowed and petitioner named above in the event of arrest or surrender before the court below within four weeks from today, Petitioner is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IIInd, Kaimur at Bhabua, in connection with Chainpur P.S. Case No. 357 of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without

proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Rajiv/veena-

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