

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40759 of 2022

Arising Out of PS. Case No.-259 Year-2021 Thana- DUMRA District- Sitamarhi

PHULCHAND KUMAR @ PHUL CHAND SAHNI S/o Mahesh Sahani R/o
Village- Sumauti, P.S.- Runnisaidpur, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. antosh Kumar, Advocate
For the Opposite Party/s : Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual Court proceedings.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 413, 414, 420, 467, 468, 471 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner has antecedent of one case and the informant alleges that apprehended accused disclosed her name of petitioner who fled with Shrawan and also disclosed that they snatched mobile and prepared forged document relating to stolen articles, it is next alleged that motorcycle, tab and two mobiles were recovered from the arrested accused.

Learned counsel for the petitioner submits that petitioner was not apprehended from the spot as such nothing



was recovered from the spot as such nothing was recovered from his conscious possession, it is next submitted that his name transpired in the confessional statement of arrested accused in police custody which does not have any evidentiary value, it is also submitted that petitioner will not evade the law rather will co-operate in the investigation and will present himself as and when required by the Investigating Officer for arriving at the truth.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Dumra P.S. Case No. 259 and 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

One of the bailors of the petitioner shall be his father 'Mahesh Sahani'.



Further, in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this Court is not co-operating in the investigation or is not presenting himself when called. The learned trial court after giving an opportunity of hearing to the petitioner shall pass orders in accordance with law and shall also be entitled to cancel his bail bonds. Further, in the event, if charge-sheet is submitted and the learned trial court comes to a conclusion and the petitioner is trying to delay the trial then in that event also the learned trial court will be entitled to pass orders in accordance with law including cancelling the bail bonds of the petitioner.

The learned trial court is directed to send a copy of this order to the concerned Police Station.

(Satyavrat Verma, J)

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