

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53604 of 2022

Arising Out of PS. Case No.-229 Year-2016 Thana- CHANPATIA District- West Champaran

FAIYAZ @ FAIYAZ ANSARI Son of Dildar Ansari Resident of Khardeur
Mahana, P.S.- Chanpatiya, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Aditya Nath Jha, Advocate
For the Opposite Party/s	:	Mr. Damodar Prasad Tiwary, A.P.P.
For the Informant	:	Mr. Rakesh Bihari Singh, Advocate
		Mr. Harish Chandra Patel, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-12-2022 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 Section 395 of the Indian Penal
Code.

Learned counsel for the petitioner submits that petitioner
is a person with clean antecedent and the informant alleges that on
18.11.2016 at about 10:15 P.M. when he was returning to his house
with his tractor trolley and reached near Mishrawali Petrol Pump
when five unknown accused persons on two motorcycles and two
accused with a pick-up Van intercepted him. It is next alleged that
the accused persons forcibly took the informant near a canal and
tied his hand and legs and thereafter snatched his cell phone and
Rs. 3,600/- in cash, on alarm, the villagers came when he was



rescued.

Learned counsel for the petitioner submits that petitioner is not named in the F.I.R and during the course of investigation, his name transpired in the confessional statement of the co-accused and as such petitioner was completely unaware that he has been implicated in the present case, it is next submitted that petitioner resides in Calcutta and thus was not aware about the pendency of the present case nor the police ever made any endeavours to arrest him, as such also the petitioner was not knowing about the case, it is next submitted that in June, 2022 when petitioner had come to his village then he came to know that the police sometimes back had come looking for him and thereafter he made endeavours to find out as to why the police was looking for him then he came to know about the pendency of the present case, it is next submitted that thereafter petitioner filed an application seeking anticipatory bail application before the learned Trial Court and during pendency of his anticipatory bail application process under Section 82 of the Cr.P.C. was issued, it is thus submitted that till the petitioner had not filed his application for anticipatory bail, no process under Section 82 of the Cr.P.C. was issued. It is also submitted that even from perusal of the allegation as alleged, it would manifest that the same does not inspire any confidence.

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 Chanpatiya (Sirisiya O.P.) P.S. Case No. 229 of 2016 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, the learned Trial Court before accepting the bail bonds of the petitioner shall verify whether process under Section 82 of the Cr.P.C. was issued prior to filing of his anticipatory bail application before the learned District Court or after filing of his bail application before the learned District Court and in the event if it is found that process under Section 82 of the Cr.P.C was issued prior to his filing of anticipatory bail application before the learned District Court then the present anticipatory bail Order shall not be given effect.

(Satyavrat Verma, J)

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