

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14140 of 2023

Arising Out of PS. Case No.-459 Year-2022 Thana- BAKHTIARPUR District- Saharsa

LILANAND SADA SON OF PAVITAR SADA R/O VILLAGE-
TENGRAHA, WARD NO.13, P.S.- BAKHTIYARPUR, DISTRICT-
SAHARSA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and the
learned APP for the State

The petitioner apprehends his arrest in connection with Simri Bakhtiyarpur P.S. Case No. 459 of 2022 instituted under Sections 341, 323, 380, 504, 506/34 of the Indian Penal Code lodged on 04.10.2022 by the informant Anil Yadav.

As per the prosecution story, on 28.09.2022 at about 12.30 P.M. the accused persons entered into his house and broke open the Almirah and took out cash of Rs.25,000/-apparel and ornament which was kept inside the Almirah. On hearing the sound, he woke up and identified both of them His father and brother ran after the informant, he caught the Box which was supposed to stolen by the accused persons. Accused fired upon



the informant which touched and crossed near his head and thereafter they fled-away threw the Box and ran-away. Accordingly, the FIR.

Learned counsel for the petitioner submits that there is no allegation of firing against him rather it is on co-accused Bipin Sada. Further, only on suspicion his name has came up.

Learned APP on the other hand opposes the prayer for anticipatory bail.

Considering the fact that the petitioner do not have criminal antecedent and as per para-7 the main allegation is against co-accused Bipin Sada, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Simri Bakhtiyarpur P.S. Case No. 459 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Saharsa, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

- (i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner will make himself available to the police as and when required in course of investigation;

(iii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /
Sunil

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