

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57048 of 2022

Arising Out of PS. Case No.-96 Year-2017 Thana- SIKARPUR District- West Champaran

Hardwar Sah @ Haridwar Sah Son of Late Gudari Sah Resident of Village -
Prakash Nagar Naya Tola Ward No.13, Narkatiaganj, P.s.- Shikarpur, Distt.-
West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vashishtha Narayan Mishra, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-01-2023 Heard Mr. Vashishtha Narayan Mishra, learned
counsel for the petitioner and Mr. Bharat Bhushan, learned APP
for the State.

The petitioner apprehends his arrest in connection
with Shikarpur P.S. Case No.96 of 2017 instituted under
Sections 385, 387 of the Indian Penal Code.

As per the prosecution story, the informant Senior
Branch Manager of Central Bank of India, Shikarpur narrated
that the Bank is running on the upper floor of New Pushpanjali
Hotel and the allegation is that the accused persons including
the petitioner herein always made hindrance in the daily work of
the Bank and further on the fateful day, they created conditions
forcing closure of the bank and also demanded 'rangdari'.
Accordingly, the FIR was lodged.



Learned counsel for the petitioner submits that a perusal of the FIR would show that for petty hot discussion between the parties was/were given different colour and the FIR has been lodged with malice and just to make it graver, the 'rangdari' allegation has been incorporated. It is further submission that the petitioner was granted relief by the police under Section 41(1) of the Cr.P.C. which he never misused.

Taking into account the allegation as also the fact that he was granted relief under Section 41(1) of the Cr.P.C., this Court is inclined to grant him privilege of anticipatory 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 Shikarpur P.S. Case No.96 of 2017 to the satisfaction of learned Judicial Magistrate, Ist Class, Bettiah, West Champaran, 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 /-

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