

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56053 of 2021

Arising Out of PS. Case No.-904 Year-2019 Thana- NAGAR District- Vaishali

Utkarsh Raj @RAKESH Kumar Son Of Krishnandan Tiwari @ Krishnanand
Tiwari Resident Of Village- Saraiya, P.S.- Sakra, District-Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Advocate.

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-10-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State.

Learned counsel for the petitioner undertakes to remove the
defects within four weeks of resumption of normal court proceeding.
In the eventuality of non-removal of defects within undertaken
period, the office will place the matter before the Bench.

Earlier bail application of the petitioner was rejected *vide*
order dated 09.11.2020 passed in Cr. Misc. No. 24541 of 2020.

The petitioner seeks bail in connection with Hajipur Town P.S.
Case No. 904 of 2019 registered for the offence punishable under
Sections 406, 420, 379 of the Indian Penal Code.

Allegation against the petitioner is that petitioner on a false
promise took away four vehicles from the informant. It is alleged that
petitioner asked the informant to provide four to five vehicles for
Excise Department on a fixed rent of Rs. 14,000/- for each vehicle



and also executed a deed of agreement on plain paper but on demand petitioner did not pay the monthly fixed rent and he did not return back the aforesaid vehicles to the informant.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that no case under Section 379 of the Indian Penal Code is made out since it was a business deal and there is no question of entrustment. He also submits that charge in this case has been framed on 21.08.2021. No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent as has been mentioned in para 3 of this bail application and he is languishing in custody since 21.03.2021.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid and the period of custody of the petitioner, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor Court in connection with Hajipur Town P.S. Case No. 904 of 2019 subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is



relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in the case of failure, the State shall be at liberty to move for cancellation of bail.

(5) It is directed that after release the petitioner will have to appear before the Police Station of his local area in the first week of the each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

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