

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2287 of 2022**

Arising Out of PS. Case No.-494 Year-2021 Thana- BUXAR District- Buxar

1. Ajay Kumar Singh S/o Late Lakshman Singh R/o village- Kanauli, P.S.-
Rajpur, District- Buxar
2. Abhay Kumar Singh S/o Late Lakshman Singh R/o village- Kanauli, P.S.-
Rajpur, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
For the Opposite Party/s	:	Mr. Kumar Veerendra Narayan, APP
For the Informant	:	Mr. Advocate

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 20-07-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with Buxar
Town P.S. Case No. 494 of 2021 registered for the offence under
Sections 323, 341, 379, 504, 506 and 34 of Indian Penal Code.

The accused/petitioners are named in the F.I.R. and
are in custody since 27.10.2021.

The allegation against the petitioners is to commit



theft and while committing so, taken away Rs.10,000/- (Rupees Ten Thousand) from the pocket of the informant, who is none but a practising lawyer of Civil Court, Buxar.

Learned counsel appearing on behalf of the petitioners submitted by conceding the occurrence as unfortunate for institution like judiciary, where the informant is the counsel of wife of the petitioner no.1 in a matrimonial dispute. It is submitted that petitioner no.1 has also lodged a criminal case against the informant. It is also submitted that present false implication has been made in the background of previous enmity, where matter has now been compromised between the parties. While concluding the argument, it is submitted that petitioner no.1 is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, while opposing the prayer for bail, fairly conceded the factum of compromise but, specifically, stated that the conduct of the petitioners is alarming, as subsequent to this occurrence, a false case bearing Buxar Town P.S. Case No. 495 of 2021, was lodged against informant, to create undue pressure.



Considering the facts and circumstances as mentioned above, as the matter has been compromised between the parties coupled with the fact that chargesheet has already been submitted, let the petitioners, above named, are directed to be released on bail in connection with Buxar Town P.S. Case No. 494 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar/concerned Court, subject to the following conditions:

“(i) That accused/petitioners shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioners.

(ii) Accused/Petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioners, duly supported by



the documents.

(iii) That one of the bailors shall be
Arun Kumar Singh, who is the cousin of
petitioners and deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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