

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28956 of 2021

Arising Out of PS. Case No.-181 Year-2019 Thana- TARIYANI CHOWK District- Sheohar

Shambhu Ray @ Chunchun Ray Son of Opee Ray Resident of Village -
Mahdeva, P.S.- Tariyani, Dist.- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-06-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 120(B), 323, 364, 406, 420 and 504 of the Indian Penal Code

As per prosecution case, in short, it is alleged by the informant that on 15.02.2019 in the morning all the accused persons including the petitioner came at his shop and requested to send his son Raja Kumar to Jind at Haryana with them where they are engaged in agriculture work. Informant's son went with them and he used to talk his son regularly. His son disclosed to



him that he had given his money to Arjun Ray who had promised to return the same. Thereafter mobile of son of the informant was switched off and on 13.07.2019 all the accused persons at their house where informant went and interrogated about his son but not given satisfactory answer. The informant saw mobile of his son in the hand of Arjun Ray and asked about his son then he abused and assaulted and ousted him from his house. It is further stated that all the accused persons including the petitioner with the intent to commit breach of trust have either killed or concealed his son.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case only on the basis of suspicion. He further submits that the main allegation is against co-accused person namely Arjun Ray @ Arjun Kumar. He further submits that the petitioner has no role and the only allegation against the petitioner is that he and other co-accused persons moved together to Haryana. He further submits that as per allegation the petitioner and the son of the informant got a job in Haryana and both of them were living together. Learned counsel for the petitioner further submits that in fact bothy of them are living separately in Haryana and petitioner has no concern with the son



of the informant. He further submits that similarly situated co-accused Arjun Ray @ Arjun Kumar has been granted anticipatory by a Coordinate Bench of this Court vide order dated 18.04.2022 in Cr. Misc. No. 18129 of 2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Tariyani P.S. Case No. 181 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the



witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Ibrar//-

U		T	
---	--	---	--

