

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41516 of 2022

Arising Out of PS. Case No.-584 Year-2021 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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RAM SANJIVAN SAHNI S/o Madan Sahni Resident of village - Sanathi Dih,
P.S.- Bochahan, Dist.- Muzaffarpur. Present Address - Purniya Captan Para
Pool Katihar Mor, Distt.- Purniya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mirtyunjay Kumar Mishra,Advocate
For the Opposite Party/s : Mr.Dilip Kumar No. 1,APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-11-2022 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
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections
406,420,504,506 of IPC.

The prosecution case, in short, is that the informant
alleged that he runs a salted items shop, from which, petitioner
used to take items on credit against which Rs.3,36,000/-
remained due. It is further alleged that the informant demanded
his dues amount but the petitioner refused to pay the same.



Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case only on the basis of the suspicion. Further submits that the petitioner and the informant was in business term and in fact the petitioner has returned the goods in question to the informant because the same is not sold out due to Covid-19 effect and the present FIR is false and fabricated and even perusal of the FIR the informant has not mentioned on which date he supplied the goods to the petitioner. Further submits that the petitioner is resident of Purnea and the present FIR has been instituted in the district of Muzaffarpur only to harass the petitioner.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner carries one more case other than the present one.

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 (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



Muzaffarpur Town P.S. Case No. 584 of 2021, 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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)

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