IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47527 of 2022

Arising Out of PS. Case No.-50 Year-2022 Thana- BARABAR TOURIST District- Jehanabad

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Prabhat Ranjan @ Dimple S/O Satrudhan Sharma Resident of village- Parawan, P.S.- Barabar Paryatan (bishunganj O.P.), District- Jehanabad.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Shivendra Prasad, Advocate
For the Opposite Party/s : Mr. Ajay Kumar Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

2 30-11-2022 Heard learned counsel for the petitioner and learned A.P.P. for the State.

Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 379, 188 and 34 of the Indian Penal Code.

According to the prosecution case, the petitioner along with his brother have stolen the tractor loaded with sand in night which was in custody of police.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that the allegation against the petitioner is that

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the petitioner has taken away the tractor from the custody of the police. He further submits that the F.I.R. is false and concocted and in fact, the petitioner has no role at all in the present occurrence. He further submits that the petitioner is neither the owner nor the driver of the tractor and he has no concern at all with the tractor or the article which was loaded in the tractor in question.

The learned counsel for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one.

Considering the aforesaid facts and circumstances, 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 the learned Court below where the case is pending in connection with Barabar Tourism (Bishunganj O.P.) P.S. Case No. 50 of 2022, 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

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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 witnesses, 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)

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