

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 48852 of 2022

Arising Out of PS. Case No.-437 Year-2021 Thana- COMPLAINT CASE District- Banka

Pradip @ Pradip Hansda S/o Dinesh Hansda Resident of Village- Bara
Paghar, P.S.- Bounsi, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate

For the Opposite Party/s : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-12-2022 Learned counsel for the petitioner is permitted to
remove the defects, as pointed out by the office, if any, within a
period of four weeks from today.

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 Section 379 of the
Indian Penal Code.

The Auto Rickshaw of the informant is said to have
been stolen.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that the petitioner was made
accused in Bounsi P.S. Case No. 64 of 2020 in which the
petitioner has been granted bail by the learned court below



itself. He further submits that the petitioner has been made accused in Bounsi P.S. Case No. 01 of 2020 and the police after investigation submitted final form in favour of the petitioner and the complainant/informant has filed the present complaint petition against the petitioner and another co-accused persons only to harass the petitioner. He further submits that in fact the petitioner has no role at all in the present occurrence and the similarly situated co-accused person namely Md. Taliban has been granted anticipatory bail vide order dated 14.11.2022 in Cr. Misc. No. 42385 of 2022 and the case of the petitioner stands on similar footing.

Learned APP for the State, on the other hand, vehemently opposed the prayer of the anticipatory bail petition 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/- (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 Complaint Case No. 437 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 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.

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(Rajesh Kumar Verma, J)

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