

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70225 of 2021

Arising Out of PS. Case No.-56 Year-2021 Thana- SHASTRINAGAR District- Patna

AKHIL KUMAR MEHARIWAL @ AKHIL KUMAR S/O KRISHNA KUMAR MEHARIWAL @ KRISHAN KUMAR R/o Dablu No. 42, P.S.- Churu Kotwali, District- Churu (Rajasthan) at present near Shivpuri Road No. 0, Near Khatal, In the rented house of one Dharmendra Kishore Singh, P.S.- Shastri Nagar, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay, Adv
For the Opposite Party/s : Mr.Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-05-2022 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.

Petitioner seeks bail in a case registered for the offence punishable under Sections 461,379,427 of the Indian Penal Code.

The prosecution case, in short, is that on 01.02.2021, the informant namely Neeraj Kumar who is Chief Manager of Punjab National Bank situated at Raza Bazar, came to know that ATM machine of the said bank situated at AG Colony was



damaged by three unknown persons.

Learned counsel appearing for the petitioner submits that the petitioner is not named in the FIR. He further submits that the petitioner has falsely been implicated in the present case. He further submits that it appears from the FIR that on the basis of the CCTV footage the name of the petitioner has falsely been implicated in the present case but in fact the petitioner is not seen in the CCTV footage. He further submits that till date no T.I. Parade has been conducted by the prosecution and nothing has been recovered from conscious possession of the petitioner and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 18.08.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, 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 Shastri Nagar P.S. Case No. 56 of 2021, with the 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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