

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60315 of 2022

Arising Out of PS. Case No.-432 Year-2022 Thana- GAYA MUFASIL District- Gaya

Raushan Kumar @ Raushan Keshri Son Of Sharvan Prasad @ Sharvan Prasad Keshri R/O Dilli Sari, Show Room Manpur, Near Shyam Talkies, P.S.- Muffsil, District- Gaya, Permanent Address- Gurudwara Road, Ramdaspur Lane, Gaya, P.S.- Kotwali, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-12-2022 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 384, 386, 504/34 of the Indian Penal Code

As per F.I.R., the informant had purchased a shop for business purpose in which the accused persons including the petitioner were tenant and when the informant told them to vacate the shop they were adamant to mar-pit and demanded Rs. 5,00,000/- as extortion money for vacating the shop.

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 present case has been



filed by the informant in retaliation to Title Suit No. 932 of 2022 filed by the petitioner on 24.06.2022 against the informant and others and the present case is filed after five days i.e. on 29.06.2022. He further submits that the petitioner is a shopkeeper and has no concern with any criminal activity and co-accused Arun Kumar @ Arun Keshri has been released on anticipatory bail by the learned Court below itself.

Learned APP for the State has opposed the prayer for 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/- (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 Muffasil P.S. Case No. 432 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 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)

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