

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5842 of 2023

Arising Out of PS. Case No.-151 Year-2013 Thana- CHAINPUR District- Kaimur (Bhabua)

Shambhu Prasad Singh S/o Late Bhagwan Singh R/o Village- Simra, P.S.- Parsa Bazar, Distt- Patna at present Mohalla Nichi Bhoor, near Ex. M.P. Ravi Prakash Verma Residence, Gola Gokaran Nath, Khiri, P.S.- Gola Gokran Nath, Distt- Lakhimpur Khiri (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 23-06-2023 Heard Mr. Ajay Kumar Thakur, learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail, who is in custody since 10.08.2022, in connection with Chainpur P.S. Case No. 151 of 2013, F.I.R. dated 01.10.2013 registered for the offences punishable under Sections 420, 409/34 of the Indian Penal Code.

As per allegation, petitioner Shambhu Prasad Singh in collusion and conspiracy with Abhay Kumar Singh and Shashi Kant Kumar misappropriated 5569.50 quintals of wheat.

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 allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that the petitioner was granted privilege of anticipatory bail on 19.11.2014 passed in Cr. Misc. No. 21594 of 2014 but the petitioner could not surrender and not get benefit the order dated 19.11.2014. As per allegation in the F.I.R. the petitioner in collusion with co-accused persons namely Abhay Kumar Singh and Shashi Kant Kumar misappropriated 5569.50 quintals of wheat. He further submits that co-accused person Shashi Kant Kumar has been granted the privilege of anticipatory bail by a Coordinate Bench of this court vide order dated 19.12.2016 passed in Cr. Misc. No. 51530 of 2016, another co-accused person namely Abhay Kumar Singh has been granted the privilege of anticipatory bail by a Coordinate Bench of this court vide order dated 06.12.2021 passed in Cr. Misc. No. 20795 of 2021 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 10.08.2022.

Vide order dated 20.04.2023, a report was called for with regard to the stage of the trial. The report of the learned Trial Court reveals that the charge has been framed against the



petitioner and other co-accused persons on 03.05.2023 and the case is pending for the evidence of prosecution witnesses.

Learned counsel for the petitioner further submits that the petitioner has been granted the privilege of anticipatory bail but due to some reason the petitioner has not get the benefit the order dated 19.11.2014 and the petitioner is in custody since 10.08.2022.

The learned Additional Public Prosecutor 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 facts and circumstances of the case, let the petitioner, above named, 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 ACJM-1, Kaimur at Bhabhua in connection with Chainpur P.S. Case No. 151 of 2013, subject to 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 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 antecedents, 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)

Ibrar//-

U		T	
---	--	---	--

