

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4783 of 2023

Arising Out of PS. Case No.-196 Year-2022 Thana- DARBHANGA District- Darbhanga

Suryadeo Roy @ Putti S/O Basant Roy @ Basant Kumar Roy Resident of village- Nagmandir, (Mishra Tola), Ward No.-18, P.S.- Town, (Kotwali O.P.), District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 20.07.2022 in connection with Town P.S. Case No.196 of 2022, F.I.R. dated 20.07.2022 for the offences punishable under Sections 467, 468, 420, 387 of the Indian Penal Code.

According to prosecution case, as per F.I.R. is that the informant Sunil Kumar Singh received a secret information on 20.07.2022 at 4.30 that one person himself declare a I.T. Police (Technical Cell) Officer, near Donar Chowk and received amount from vendor/shopkeeper on a Footpath and he wear I.D. in the neck and use influence and received illegal amount from shopkeeper and after received such information the informant went there for verification and necessary action with police



personnel. Informant reached there and identify the accused person. In the meantime, accused persons trying to fled away but informant along with police force caught the accused person.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and no such occurrence has taken place. He further submits that it appears from the F.I.R. that Rs.620/- recovered from the pocket of the petitioner and in fact the recovered amount is personal amount of the petitioner. He further submits that there is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C. and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 20.07.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, 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 the learned Chief Judicial Magistrate, Darbhanga in connection with Town P.S. Case No. 196 of 2022, 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 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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