

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4891 of 2023

Arising Out of PS. Case No.-270 Year-2021 Thana- PIRPAINTI District- Bhagalpur

GUNJAN KUMAR YADAV Son of Naresh Yadav Resident of Mohalla/
Village- Alipur, P.S.- Antichak, District- Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Ms. Shashi Priya Pathak, Advocate
	Mr. Anshuman Shreya, Advocate
For the Opposite Party/s :	Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Pirpainty P.S. Case No. 270 of 2021 registered for the offences punishable under Sections 408/ 409/ 381/ 420/ 120-B and 34 of the Indian Penal Code. He has got no criminal antecedent.

Learned counsel for the petitioner submits that as per the FIR, it was Nitish Kumar and Kundan Kumar who were employed as salesmen and assistant for running of the IFFCO Bazar Ltd. and they had informed the authorities of the court that a huge amount of Rs. 35,51,000/- has been looted up. This information was found wrong and it was found false and concocted by Nitish Kumar. It is submitted that so far as this



petitioner is concerned, he was not an employee of the said IFFCO Branch, he is not named in the FIR but his name is transpired in the confessional statement of Kundan Kumar who is brother-in-law of the petitioner.

On the other hand, learned APP for the State submits that in the nature of the impugned order of the learned Special Judge Exclusive Excise Court no.-2, Bhagalpur, it has come that the blue colour bag which was used in the aforesaid loot has been recovered from the possession of accused petitioner Gunjan Kumar Yadav and accordingly, seizure list has been prepared.

At this stage, learned counsel for the petitioner submits that Kundan Kumar and Nitish Kumar have already been granted bail after they agreed to deposit Rs. 15,00,000/- in three equal installments has opposed the prayer for anticipatory bail of the petitioner vide Cr. Misc. No. 20523 of 2022 and Cr. Misc. No. 20217 of 2022.

Having regard to the facts and circumstances of the case, wherein this Court has noticed that the two main accused have already been granted bail on their undertaking to deposit Rs. 15,00,000/-, this Court directs release of the petitioner above named on bail in the event of his arrest or surrender within a



period of four weeks from today in connection with Pirpainty P.S. Case No. 270 of 2021 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bhagalpur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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