

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10208 of 2023

Arising Out of PS. Case No.-282 Year-2022 Thana- BAHERA District- Darbhanga

Suresh Sah @ Suresh Sahu S/O Late Mahavir Sahu R/v- Ghoghiya, P.S.-
Bahera, District- darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sameer Ranjan, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
18.07.2022 in connection with Bahera P.S. Case No. 282 of
2022, F.I.R. dated 29.06.2022 for the offences punishable under
Sections 193, 205, 207, 209, 210, 181, 419, 420, 464, 467 and
471 of the Indian Penal Code.

According to prosecution case, the tractor in question
hit one Mahavir Sada who had died due to hitting of this tractor
and now his son has lodged and application for compensation
under the Motor Vehicle Act. Since the tractor and tailor which



has been sold by its registered owner Deepak Mishra to the present petitioner 11 years ago through a sale deed and the during the time of accident the vehicle was used by the present petitioner therefore, Deepak Mishra had asked the petitioner to pay the amount of compensation but the petitioner refused to pay.

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 petitioner has moved for anticipatory bail in connection with Bahera P.S. Case No. 273 of 2019 under Section 467, 468, 471, 420, 406 and 120B of the Indian Penal Code. It has come during argument that the petitioner has committed so the Hon'ble Court has constituted an inquiry against the petitioner and pursuant to the report of the Senior Superintendent of Police, Darbhanga the present F.I.R. has been instituted against the petitioner. He further submits that due to some differences with Deepak Mishra, the petitioner has been made accused in Bahera P.S. Case No. 273 of 2019. He further submits that both the parties have filed a compromise petition on 12.08. 2022 and settled the dispute. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since



18.07.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents 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 Additional Chief Judicial Magistrate , Benipur, Darbhanga in connection with Bahera P.S. Case No. 282 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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