

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22387 of 2023

Arising Out of PS. Case No.-352 Year-2022 Thana- ATHMALGOLA District- Patna

Ishu Kumar S/O Rabindra Prasad Singh R/O Village- Karjan (Tola Fulwaria),
P.S- Athamalgola, Distt.- Patna (Bihar).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanchay Srivastava, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
05.01.2023, in connection with Athamalgola P.S. Case No. 352
of 2022, F.I.R. dated 10.12.2022 registered for the offences
punishable under Sections 419, 420, 467, 471 read with 34 of
the Indian Penal Code.

The prosecution case, in short, is that the accused
petitioner who is from neighbouring village contacted the
informant and told him that he has a contact with one Pravin
Kumar from District Lok Nivaran office and assured him that he
will settle the matter. It is further alleged that the informant
made a payment of Rs. 20,000/- from mobile and also gave
Rs. 10,000/- to the petitioner cash for settle the matter.



Learned counsel for the petitioner submits that the petitioner has clean antecedent 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 it appears from the F.I.R. itself that the informant had paid Rs. 10,000/- to the petitioner but there is no eye witness of the alleged occurrence and the informant paid Rs. 10,000/- as a bribe money which was paid to the concerned officer and at best the petitioner's role is a middle man. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 05.01.2023.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts that the petitioner has clean antecedent and the informant had paid Rs. 10,000/- in cash and there is no eye witness of the alleged occurrence, 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 Sub-Divisional Judicial Magistrate, Barh, Patna in connection with



Athamalgola P.S. Case No. 352 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 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)

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