

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45744 of 2023

Arising Out of PS. Case No.-174 Year-2020 Thana- SAHARSA SADAR District- Saharsa

AKASH KUMAR OJHA SON OF SHIVNANDAN OJHA RESIDENT OF
VILLAGE- FAUJDARI (SALEMPUR), PS- PIRPAITI, DIST-
BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Prakash Singh, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Saharsa Sadar P.S. Case No. 174 of 2020 for the offence registered under sections 341, 323, 504, 506, 381 and 34 of the Indian Penal Code lodged on 26.02.2020 by the informant Shyamakant Jha.

As per the prosecution story, the allegation is that the informant is having his home at Saharsa while his work place is at Darbhanga and after marriage of his son had kept some cash and ornaments in Saharsa and had come to his work place. Later, when he returned to Saharsa found the '*almirah*' having been broken, ornaments and case missing. He has suspicion against the petitioner, who was the driver working with him. Accordingly, the case against him.



It is the case of the learned Counsel for the petitioner that had he been part of the theft could not have accompanied the informant from Darbhanga to Saharsa, there is no eye witness to the occurrence and he do not have criminal antecedent.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that the informant has suspicion against this driver as he seen the keeping of the ornaments, cash in the '*almirah*'

Considering the fact that the petitioner do not have criminal antecedent was accompanying the informant from work place to home place, FIR lodged ultimately he will have to face the trial, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 174 of 2020 subject to condition as laid down under Section 438(2) of the Cr.P.C.



(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the anticipatory bail application stands allowed.

(Rajiv Roy, J)

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