

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55626 of 2023

Arising Out of PS. Case No.-262 Year-2022 Thana- KORHA District- Katihar

VIJAY KUMAR @ VIJAY SINGH son of Ramchandra Singh village-
Jitwarpur Chauhan Tola Ward no-8, Tarabari Dist- Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dhiraj Kumar son of Subodh Yadav R/o Village- Musapur P.S- Korha Dist- Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar, Advocate

For the Opposite Party/s : Mrs.Anita Kumari,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-11-2023 Heard Mr.Mrigendra Kumar, learned counsel for the petitioner, learned counsel for the opposite party No.2 and Mrs.Anita Kumari,learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Korha P.S.Case No.262 of 2022, FIR dated 08.06.2022 registered for the offences punishable under Sections 406 and 420 of IPC and Section 138 of N.I.Act.

3. As per the prosecution case, on 20.04.2022 petitioner alongwith other co-accused took two trucks of maize crop worth Rs. 16,58,000/-. When the informant asked him to pay the money, he was given cheque of Rs. 14 lacks



and assured him to pay the rest amount later. The accused thereafter escaped from their house. When the informant went to the bank, he found that the account was already closed.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Further submits that in fact the co-accused person, namely, Sanjay Yadav has issued the cheque in question to the informant and petitioner has no role at all in the alleged occurrence and as per allegation in the FIR the petitioner was also one of the partners of the co-accused, namely, Sanjay Yadav.

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner is one of conspirators of the present occurrence and he was also involved in the present occurrence.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before



the court below within a period of thirty days from the date of receipt of the order, 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 learned Chief Judicial Magistrate, Katihar in connection with Korha P.S.Case No.262 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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/her 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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