

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55742 of 2023

Arising Out of PS. Case No.-302 Year-2022 Thana- RAFIGANJ District- Aurangabad

Niraj Raj S/O Bindu Chaurasiya R/O Village- Station Road, Rafiganuj, P.S-
Rafiganj, Distt.- Aurangabad (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-11-2023 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Rafiganj P.S. Case No.302 of 2022, F.I.R. dated 27.07.2022 registered for the offence punishable under Sections 413, 414, 420, 468/34 of the Indian Penal Code.

3. Allegation against the petitioner is of he along with other accused persons are engaged in stealing and selling the motorcycle.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case on the basis of the disclosure made by the co-accused person namely, Rakesh Kumar @ Dara Yadav. He further submits that the co-accused persons also disclosed the name of other persons and one of them is Niranjan Kumar @ Chhotu and he has been



granted privilege of anticipatory bail vide order dated 11.01.2023 in Cr. Misc. No.64852 of 2022. Further submits that except the disclosure made by the co-accused person no other material has come during course of investigation to suggests the involvement of the petitioner in the present occurrence.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedent other than the present one, but fairly submits on the basis of paragraph-3 of the petition that in both the cases petitioner is on bail.

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 anticipatory 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 Chief Judicial Magistrate, Aurangabad in connection with Rafiganj P.S. Case No.302 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 absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(ii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of anticipatory 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 criminal antecedents, the court below shall take step for cancellation of anticipatory 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)

Prakash Narayan

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