

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55157 of 2023

Arising Out of PS. Case No.-123 Year-2023 Thana- RAGHOPUR District- Supaul

Raj Kumar Chand S/O Kedarnath Agrawal Resident Of Village- Simrahi, Ps
Raghopur, Dist.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Dhar Jha, Advocate
For the Opposite Party/s	:	Mr. Dilip Kumar No. 1, APP
For the Informant	:	Mr. Awadhesh Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 08-11-2023 Heard Mr. Shashi Dhar Jha, learned counsel for the

petitioner, Mr. Awadhesh Kumar Mishra, learned counsel
appearing on behalf of the informant as well as Mr. Dilip
Kumar, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Raghopur P.S. Case No. 123 of 2023, F.I.R.
dated 22.03.2023 for the offences punishable under Sections
461 and 379 of the Indian Penal Code.

3. According to prosecution case, the petitioner has
broke the lock of the hospital and committed theft of various
articles valued around Rs. 40 lakhs.

4. 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 allegation as alleged in



the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that as per the allegation in the F.I.R, the petitioner has broke the lock of the hospital and committed theft of various articles valued around Rs. 40 lakhs. He further submits that in fact, the petitioner is the land lord of the land in question and the petitioner and informant have executed an agreement with respect to the premises in question which is Annexure 2 of the bail petition which suggest that the informant was the renter of the petitioner.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries three criminal antecedents other than the present one but he has mentioned in paragraph 3 of the bail petition that only one case is pending against the petitioner.

6. But it appears from the record that the petitioner has already filed supplementary affidavit stating therein that the petitioner carries three criminal antecedents other than the present one.

7. Considering the aforesaid facts and circumstances,



let the petitioner, above named, in the event of 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 the learned Additional Chief Judicial Magistrate, Birpur (Supaul) in connection with Raghapur P.S. Case No. 123 of 2023, 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 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 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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