

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54944 of 2023

Arising Out of PS. Case No.-31 Year-2021 Thana- UDAKISHUNGANJ District- Madhepura

Raman Kumar @ Raman Kumar Sharma Son Of Shivrindan Sharma @ Shivrindan Sharma R/o Village Godram Ward No. 2 P.S.- UdaKishunganj District Madhepura. At Present Resident Of Sri Baidhmata Petrol Pump, P.S- Sonbarsa Kachahari, Dist- Saharsa

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate
	:	Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s	:	Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-12-2023 Heard Mr. Bhaskar Shankar, learned counsel for the petitioner and Mr. Pradeep Narain Kumar, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with UdaKishunganj P.S. Case No. 31 of 2021 registered for the offences punishable under Section 395 of IPC.

3. The allegation in the FIR is that the informant was on return journey after collection of amount, when he was intercepted by accused persons. It is further alleged that on the point of pistol Rs. 1,30,199/- as also scanner, motorcycle and mobile phone were taken away and thereafter they escaped. Accordingly, FIR under Section 395 of Indian Penal Code was



lodged.

4. Learned senior counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation on the basis that the informant has identified the petitioner on the basis of the photograph shown by the Investigating Officer. Further submits that nothing has been recovered from conscious possession or the house of the petitioner rather the looted motorcycle was recovered from possession of co-accused person, namely, Sundar Kumar and looted box was recovered from possession of co-accused person, namely, Ramchandra Yadav and they have not stated about the petitioner and the petitioner has been implicated in the present case only on the ground that the petitioner has one criminal antecedent earlier.

5. Learned APP for the State, on the other hand, on the basis of the material available on the record and the case diary, has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner has been identified by the informant and apart from the aforesaid the petitioner carries one more case other than the present one but fairly submits that the petitioner is on bail in the said case, as



mentioned in para-3 of the anticipatory bail petition.

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 A.C.J.M.-1st, Udakishunganj, Madhepura in connection with Udakishunganj P.S.Case No.31 of 2021, 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 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 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 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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