

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57404 of 2022

Arising Out of PS. Case No.-105 Year-2021 Thana- RAJIVNAGAR District- Patna

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MALA RAI Son of Late Jagal Rai Resident of Chandra Bihar Colony, P.S.-
Rajeev Nagar, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Krishna Jha, Advocate

For the Opposite Party/s : Mr.Bharat Bhushan,APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-02-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 420,467,468,470,471 of IPC and
Section 3 of Public Property Damage Act.

The prosecution case in shot is that the on 08.03.2021
informant was on inspection of Bihar State Housing Board Land
situated at Ashiana Digha Road he found that twenty five meters
ahead of Drain on a land measuring two Katha for construction
of a house shade was being erected, seeing the informant
alongwith police all the working labourers fled away from there
and on inquiry it was found that the petitioner was constructing
the house and one Dril Machine was seized and given to P.S.
concern.



Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that in fact there is no eye witness of the alleged occurrence and only on the basis of the disclosure made by the labourers, the name of the petitioner has falsely been implicated in the present case and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 27.07.2022.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner. Further submits that the petitioner carries nine more cases other than the present one.

Considering the aforesaid facts, let the petitioner, above named, 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 court below where the case is pending in connection with Rajeev Nagar P.S. Case No. 105 of 2021 with the following conditions:-

(1) 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.

(2) 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.

(3) 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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