

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59757 of 2023

Arising Out of PS. Case No.-10 Year-2023 Thana- MAHKAR District- Gaya

Vikky Bharti Son Of Ramanand Prasad@ Ram Nandan Prasad Resident Of
Village- Khushalpur, Ps- Mahkar (SARBAHDA Op), Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Singh, Advocate

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 07-10-2023 Heard the parties.

2. The petitioner is apprehending arrest in connection with Mahkar (Sarbahda O.P.) P.S. Case No. 10 of 2023 instituted under under Section 379 of the Indian Penal Code lodged on 11.01.2023 by the informant, Ramashish Prasad.

3. As per the prosecution story, the allegation is that the informant had parked his tractor which disappeared on the next day. Accordingly, the FIR.

4. It is the case of the petitioner that during the investigation, one Rahul Kumar was arrested and he disclosed the name of this petitioner. He submits that nothing has been recovered from his possession and only on the confession of Rahul Kumar, he has been dragged in by the police because he has criminal antecedent of the same nature.



5. Further submission is that there is delay in lodging of the FIR inasmuch as, the occurrence took place on 30.12.2022 whereas the FIR has been lodged on 11.1.2023.

6. Learned APP opposes the prayer stating that his name has come in the confessional statement.

7. Taking into account the aforesaid submissions put forward by the parties as also the fact that Rahul Kumar has been arrested, on whose confession, his name has come and the recovery is not from his side, this Court is inclined to extend him privilege of anticipatory bail.

8. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Mahkar (Sarbahda O.P.) P.S. Case No. 10 of 2023 to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Gaya subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every month for next one year to mark his attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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