

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61199 of 2023

Arising Out of PS. Case No.-859 Year-2022 Thana- KHAJANCHI HAT District- Purnia

Arshad Raja Son Of Md. Ali Raja Resident Of Village - Ruigola Pul
Madhopara, P.S. - Khazanchi, District - Purnea, Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-09-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
25.08.2022 in connection with Khazanchihat(Sahayak) P.S.
Case No. 859 of 2022, F.I.R. dated 25.08.2022 registered for the
offences punishable under Sections 401/413/414 of IPC.

3. The prosecution case in brief is that on secret
information the informant stopped one e-rickshaw and
demanded paper then the petitioner disclosed that the said Toto
was given to him by Rahul Sharma and Sani Mahto and he was
going to sell battery.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case. In fact, the Toto (e-rickshaw) was handed over to



the petitioner by co-accused Rahul Sharma and Shani Mahto and the same was recovered from the possession of the petitioner. Petitioner has no role in the present occurrence and the co-accused Rahul Sharma, who has handed over the Toto to the petitioner, has been granted bail vide order dated 19.05.2023 passed in Cr. Misc. No.19757 of 2023 by a coordinate Bench of this Court and the police, after investigation, submitted charge sheet against the petitioner.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

6. Considering the aforesaid fact, petitioner has clean antecedent, 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 3rd Additional Sessions Judge, Purnea, in connection with Sessions Trial No.229 of 2023, arising out of K. Hat (Sahayak) P.S. Case No. 859 of 2022, with the 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 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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