

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64813 of 2023

Arising Out of PS. Case No.-927 Year-2019 Thana- ARA NAWADA District- Bhojpur

Om Prakash Chaudhary @ Bhuar Bin Son Of Bishwanath Chaudhari @
Bishwanath Bin Resident Of Village- Kunai, Ps- Dhangai, Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta, Advocate

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Ara Nawada P.S. case No. 927 of 2019 registered for the offence punishable under Sections 461 and 379 of the Indian Penal Code.

3. As per the prosecution case, the priest of the temple discovered that articles belonging to the deity was missing and, as such, the case was lodged. The petitioner's name has surfaced in confessional statement of co-accused Krishna Bind.

4. The learned counsel for the petitioner submits that Krishna Bind is accused in Dhangai P.S. case No. 22 of 2016 lodged by the petitioner's father alleging theft against the Krishna Bind. The hostility, based on such implication, has led



to petitioner's implication, at the instance of Krishna Bind in the instant case. He has no concerned with the alleged theft. He is on bail in Ara Nawada P.S. case No. 917 of 2019.

5. Learned APP for the State has opposed the prayer for pre-arrest bail.

6. Considering the rival submissions and the manner in which the petitioner has been implicated, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for anticipatory bail of the petitioner is allowed.

7. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, 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 Chief Judicial Magistrate, Bhojpur at Ara in connection with Ara Nawada P.S. case No. 927 of 2019, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also



undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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