

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65569 of 2023

Arising Out of PS. Case No.-30 Year-2023 Thana- RAMGARH District- Kaimur (Bhabua)

Raju Kumar @ Raju Chauhan S/O Dukhanti Chauhan R/O Village- Dudhari,
P.S- Sayadraza, Distt.- Chandauli (U.P.)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyam Bihari Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 08-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Ramgarh P.S. Case No. 30 of 2023 dated 06.02.2023 instituted for the offence punishable under Sections 461, 379 of the Indian Penal Code.

3. The prosecution case, in short, is that on 06.02.2023 at about 10 am, the informant went to his godown situated at Bandipur and found that the lock of his godown was broken, and 30 sacks of paddy and computer *kanta* (electronic weighing scale) kept in the godown, were disappeared. It is alleged that some unknown persons have broken the lock of his godown and stolen the aforesaid items.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this



case. It is further submitted that the petitioner has not been named in the First Informant Report. Only on the basis of confessional statement of one Gautam Paswan, the petitioner has been made accused in this case. Learned counsel for the petitioner submits that nothing has been recovered from the possession of the petitioner. Learned counsel for the petitioner submits that there is no eye witness of the occurrence. It is further submitted that on the basis of confessional statement, the petitioner has been made accused in five other cases also. Lastly, it has been submitted that petitioner has five criminal cases against him.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Ramgarh P.S. Case No. 30 of 2023, he will be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st, Mohania subject to condition as laid down under Section 438(2) of the Cr.P.C, as well as 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner are made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. 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.

(Khatim Reza, J)

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