

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66603 of 2022

Arising Out of PS. Case No.-377 Year-2022 Thana- DHAKA District- East Champaran

Om Prakash @ Om Prakash Dubey S/O Vidyanand Dubey Resident of
village- Gaur da P.S.- Goda, District- Rohtak Nepal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 467, 468, 471, 420, 413,
414/34 of the Indian Penal Code.

Allegation against the petitioner is to habitually deal
in stolen property along with other co-accused persons and
while doing so, he was found in possession of forged and
fabricated stolen smart card.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that it appears from the F.I.R.
that on the basis of the fake smart card the present F.I.R. was
instituted against the petitioner and other co-accused person. He



further submits that from a bare perusal of the seizure list it transpires that two motorcycles have been recovered from the possession of the petitioner and other co-accused person and the co-accused person namely Shamim Akhtar @ Samim Akhtar has been granted bail by a Coordinate Bench of this Court vide order dated 22.02.2023 passed in Cr. Misc. No. 66567 of 2022. He further submits that the police after investigation submitted charge-sheet against the petitioner and the petitioner is in custody since 26.06.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees 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 Dhaka P.S. Case No. 377 of 2022, 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, 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 antecedents, 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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