

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71062 of 2023

Arising Out of PS. Case No.-346 Year-2023 Thana- BUXAR District- Buxar

Gangafal Rai @ Gangaphal Rai Son Of Ram Bachan Rai R/O Village-
Lahwar, P.S.- Jamania, District- Gazipur (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Siddharth Harsh, Advocate

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-11-2023 Heard Mr.Siddharth Harsh, learned counsel for the

petitioner and Mr.Chandra Sen Prasad Singh, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Buxar (T) P.S.Case No.346 of 2023, FIR dated 26.06.2023 registered for the offences punishable under Sections 419,420,353,509,116 of the IPC and Section 66(C) of the Information and Technology Act.

3. The prosecution case, in short, is that the informant alleged that on 17.06.2023 the petitioner had transferred Rs.20,000/- through UPI in the account of his mother. The informant on 19.06.2023 received information through Media that the petitioner had levelled allegation against the informant of demanding Rs.50,000/- as bribe. The informant further



alleged that the truck bearing registration No. UP61T-1789 was caught by the mining department near Dewal Check post which clearly established the intention of the petitioner to take the vehicle to U.P. while the vehicle was having Chalan for Rampur Chausa only. The truck of the petitioner was lying at Bazar Samiti compound in the office of the Commandant since 14.06.2023. The informant further alleged that the petitioner tried character assassination of the informant and also created hurdle in Government work.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 17.06.2023 but the present FIR has been instituted on 26.06.2023 after delay of nine days without giving any explanation of delay. In fact the informant in the present case has illegally seized the truck of the brother of the petitioner and for this the family members of the petitioner has made a complaint before the S.P., Buxar against the informant and in retaliation the present FIR has been instituted against the petitioner and for this reason the informant has filed the present false case against the petitioner. In fact the petitioner was having valid Chalan which suggests that he has



loaded the sand from Dewel Ghat, Aurangabad and destination at Rampur Chausa, District-Buxar.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner carries one more case other than the present one but fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Chief Judicial Magistrate, Buxar in connection with Buxar (T) P.S. Case No.346 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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/her 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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