

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73978 of 2023

Arising Out of PS. Case No.-370 Year-2022 Thana- MADHUBAN District- East Champaran

KARAN KUMAR Son of Suresh Bhagat R/o vill - Bhelwa, P.S. - Madhuban,
Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-11-2023 Heard Mr. Anuj Kumar, learned counsel for the
petitioner and Mr. Anil Kumar, learned APP for the State.

2. The petitioner is apprehending his arrest connection with Madhuban P.S. Case No. 370 of 2022, F.I.R. dated 30.08.2022 registered for the offences punishable under Section 7 of the E.C. Act.

3. Allegation against the petitioner is of black marketing of 60 bags of rice of Government property.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that the petitioner has been made accused



only on the ground that the petitioner is the owner of the pick-up van in question and the petitioner has no concern at all with the alleged recovery of articles and co-accused person namely Sachin Kumar has been granted the privilege of anticipatory bail by a Coordinate Bench of this court vide order dated 23.05.2023 passed in Cr. Misc. No. 14914 of 2023.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Motihari in connection with Madhuban P.S. Case No. 370 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 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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