

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75958 of 2023

Arising Out of PS. Case No.-48 Year-2023 Thana- FATUA District- Patna

Uday Kumar S/o Siddhanath Prasad @ Lona R/o Vill - Dariyapur, P.S. -
Fathua, Dist - Patna, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Verma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-11-2023 Heard Mr. Arvind Kumar Verma, learned counsel
for the petitioner and Mr. Mritunjay Kumar Nirala, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Fatuha P.S. Case No. 48 of 2023, F.I.R. dated 17.01.2023 for the offences punishable under Sections 414/34 of the Indian Penal Code.

3. According to prosecution case, Ritik Kumar disclosed the name of the petitioner and revealed that the E-rickshaw which was seized by the police was a stolen article.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case on the basis of the disclosure made by the co-accused, namely, Ritik Kumar. He further



submits that except the disclosure made by the co-accused, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the petitioner has no concern at all with the vehicle in question or the co-accused person.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of 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 the learned Additional Chief Judicial Magistrate , Patna City in connection with Fatuha P.S. Case No. 48 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 absence on two consecutive dates without sufficient reason, his 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 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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