

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2268 of 2023

Arising Out of PS. Case No.-424 Year-2022 Thana- ARWAL District- Jehanabad

Amit Kumar Son of Dinesh Prasad R/V- Barah, P.S- Rani Talab, Dist- patna
... .. Petitioner/s

Versus

The State of Bihar
... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Archana Sinha @ Archana Shahi, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, APP
For the Informant	:	Mr. Manish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 05-07-2023 Heard learned counsel for the petitioner, learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Petitioner seeks bail who is in custody since 30.08.2022 in connection with Arwal P.S. Case No. 424 of 2022, F.I.R. dated 29.08.2022 for the offences punishable under Sections 376, 511, 323, 379, 356 of the Indian Penal Code and Section 66 B of the IT Act.

According to prosecution case, the accused person tried to outrage the modesty of the informant and also snatched the gold chain worth Rs. 60,000/- and one SBI ATM Card from the informant.

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



present case. In fact, the informant is the teacher of the school in which was owned by the petitioner. She further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. She further submits that the police in final form has deleted the Section 376 of the Indian Penal Code and filed charge sheet under Section 354, 354A, 354B, 354D, 323, 448, 379 and 411 of the Indian Penal Code against the petitioner. She further submits that due to previous disputes, the petitioner has falsely been implicated in the present case and the informant who is of duped character has filed several cases against other persons also. The petitioner is in custody since 30.08.2022.

The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries three criminal antecedents of almost similar nature and they further submits that the petitioner may enlarge on bail after framing of charge.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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, Arwal in connection with
Arwal P.S. Case No. 424 of 2022, subject to 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 witnesses, 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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