

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7190 of 2024

Arising Out of PS. Case No.-359 Year-2023 Thana- BAHERA District- Darbhanga

1. Raja Paswan Son of Gangadhar Paswan R/o vill - Benipur, P.S. - Bahera, Distt. - Darbhanga
2. Sumitra Devi W/o Gangadhar Paswan R/o vill - Benipur, P.S. - Bahera, Distt. - Darbhanga
3. Shyam Paswan Son of Gangadhar Paswan R/o vill - Benipur, P.S. - Bahera, Distt. - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sabal Kumar Jha, Advocate
For the Opposite Party/s :	Mr. Harendra Prasad, APP
For the Informant :	Mr. Shailendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-03-2024 Heard Mr. Sabal Kumar Jha, learned counsel for the petitioners, Mr. Shailendra Kumar, learned counsel appearing on behalf of the informant as well as Mr. Harendra Prasad, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bahera P.S. Case No. 359 of 2023, F.I.R. dated 07.09.2023 for the offences punishable under Sections 143, 448, 323, 379, 384, 386, 504, 506/34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including the petitioners have forcefully taken the thumb impression and signature of the father of the informant and transferred about Rs. 10 lakhs from his account to the account of petitioner no. 2.



4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the date of occurrence as alleged in the F.I.R is 01.08.2023 but the present F.I.R was instituted on 07.09.2023 i.e. after delay of 37 days without giving any explanation of the said delay. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have falsely been implicated in the present case. He further submits that the petitioners and the informant are agnate.

5. 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 petitioners and submits that it has come during investigation that the petitioners have forcefully obtained the signature of the father of the informant and withdraw the amount in question from the Bank.

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent and they are family members of the informant, let the petitioners, 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) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate,



Benipur at Darbhanga in connection with Bahera P.S. Case No. 359 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. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.
- ii. If the petitioners 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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