

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9763 of 2024

Arising Out of PS. Case No.-426 Year-2023 Thana- UDWANTNAGAR District- Bhojpur

1. Shailesh Kumar Singh S/O Nagendra Chandravanshi, Village- Karam Tola, PS- Ara, Nawada, Dist.- Bhojpur.
2. Krishna Kumar S/O Vinod Chandravanshi, Village- Karam Tola, PS- Ara Nawada, Dist.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta, Advocate

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-02-2024 Heard Mr. Shiv Prasad Gupta, the learned counsel
for the petitioners and Mr. Md. Nazir Ansari, the learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Udawantnagar PS Case No. 426 of 2023, FIR
dated 07.10.2023, registered for the offences punishable under
Sections 411 and 414 of the Indian Penal Code.

3. According to prosecution case, co-accused persons
upon seeing the informant and other police personnel who were
vehicle checking, tried to flee. The police were able to
apprehend one co-accused person while others managed to
escape. It is further alleged that two motorcycles were seized



from the place of occurrence.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case mainly on the basis of disclosure made by apprehended co-accused person namely, Raju Kumar. He further submits that except the aforesaid, no other cogent material has come during investigation that suggests the involvement of the petitioners in the present occurrence and the petitioners have no concern at all with the alleged recovery of the motorcycles in question.

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

6. Considering the aforesaid facts and circumstances and the fact that the petitioners have clean antecedent and nothing has been recovered from their conscious possession, let the petitioners, above-named, in the event of their arrest or surrender before the Court below, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 Chief Judicial Magistrate, Bhojpur at Ara, where the case is pending in connection with **Udawanagar PS Case**



No. 426 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the 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 tamper 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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