

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6652 of 2024

Arising Out of PS. Case No.-28 Year-2018 Thana- MUSAHARI District- Muzaffarpur

Dipendra Kumar Sah Son of Late Banwali Sah R/o vill - Dharahara,
Mahadeomath, Ward no. 09, P.S. - Andhara Math, Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 17-02-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The Petitioner apprehends his arrest, in connection with Mushahri P.S. Case No. 28 of 2018 dated 08.12.2023, registered for the offences punishable under Sections 420, 409, 406 and 34 of the Indian Penal Code.

3. The prosecution case as emerges from the FIR is that the accused persons are alleged to have committed irregularities in construction of eight class rooms in the State Middle School, Raghunathpur, Block Mushahri.

4. Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the Petitioner is not named in the FIR, and his name has transpired during the investigation. He



further submits that three FIR named accused persons have already been enlarged on anticipatory bail by different Benches of this Court.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It is also stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, this application is allowed, directing the petitioner, above-named, to be enlarged on bail in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Judicial Magistrate Ist Class, Muzaffarpur East, in connection Mushahri P.S. Case No. 28 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and the following conditions:

(i) In case, it is brought to the notice of the court



below that the petitioner has given wrong statement regarding his criminal antecedents, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioner.

9. Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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