

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9661 of 2024

Arising Out of PS. Case No.-124 Year-2017 Thana- PARAIYA District- Gaya

Kaushlendra Kumar S/O Sri Ranvijay Singh Village- Ithori, Ps. Alipur, Dist. Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithvi Raj Singh, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-02-2024 Heard Mr. Prithvi Raj Singh, learned counsel for the petitioner and Mr. Jai Narain Thakur, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Paraiya P.S. Case No. 124 of 2017, F.I.R. dated 30.08.2017 for the offences punishable under Sections 420, 379/34 of the Indian Penal Code and BMMC Rule 1972, Rule-26 (a), Rule-4 and Rule-40.

3. According to prosecution case, this petitioner owns Sharrda Bricks but he has not deposited the government fee and illegally running his bricks business.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the



petitioner is the owner of the Sharrda Bricks and after lodging of the present F.I.R the petitioner has deposited the ownership fees of Rs. 1535/- and Rs. 92,500/- in the office of Assistant Director Mines and Geological Department, Gaya on 09.02.2018 but he has not produced the deposit receipt from the said office.

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 Chief Judicial Magistrate, Gaya in connection with Paraiya P.S. Case No. 124 of 2017, 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 produce the original deposit receipt at the time of furnishing the bail bond and if he has not submitted the original deposit receipt then the bail bond of the petitioner shall not be accepted by the learned Court below.



ii. 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.

iii. 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.

iv. 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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