

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9625 of 2024

Arising Out of PS. Case No.-13 Year-2012 Thana- SAHJAHANPUR District- Patna

Saurabh Kumar S/o Nawal Kishore R/o Vill - Brahmstan, Bhokilapar, P.S. -
Hilsa, Dist. - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Chand Pandey, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-02-2024 Heard Mr. Shashi Chand Pandey, learned counsel
for the petitioner and Mr. Choubey Jawahar, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Shahjahapur P.S. Case No. 13 of 2012, F.I.R. dated 29.04.2012 for the offences punishable under Sections 420/34 of the Indian Penal Code.

3. According to prosecution case, two accused persons were intercepted by the police and on checking several marksheet of matriculation and intermediate was found. The also disclosed the name of the petitioner.

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 not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused, namely, Ashutosh Bhartiyam and Ashish Kumar. He further submits that both the accused persons, namely, Ashutosh Bhartiyam and Ashish Kumar have been acquitted by the learned Trial Court vide order dated 13.11.2019 in Trial No. 1922/2019 (Annexure-4) and in fact, the petitioner has no knowledge about the present case and when police came in the house of the petitioner then he got knowledge about the said case in the month of October.

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

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and both the accused persons have been acquitted by the learned Trial Court, 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 Additional Chief Judicial Magistrate IV, Patna City, Patna in connection with Shahjahapur P.S. Case No. 13 of 2012, 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 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.
- ii. 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.
- iii. 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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