

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12461 of 2024

Arising Out of PS. Case No.-347 Year-2023 Thana- KURTHA District- Jehanabad

Shiv Kumar son of Prayag Yadav Resident of Village- Pinjrawan, Manikpur,
P.S.- Kinjar, District- Arwal

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Singh

For the Opposite Party/s : Mr. Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-02-2024 Heard Mr. Pankaj Kumar Singh, learned counsel
for the petitioner and Mr. Humayou Ahmad Khan, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Kurtha P.S. Case No. 347 of 2023, F.I.R. dated 23.09.2023 for the offences punishable under Sections 323, 385, 387, 504, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, when the munshi and labour of the brick kiln were sleeping, three miscreants armed with pistol came there and caught hold them and they have threatened them by telling to say the owner of the brick kiln to withdraw the case no. 178 of 2023 otherwise he has to pay Rs.50,000/-.

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 informant is not the eye witness of the alleged occurrence and on the basis of the information furnished by the clerk of the informant, the present FIR instituted against the petitioner and other co-accused person. He further submits that the petitioner has falsely been implicated in the present case due to dispute of the JCB machine and no such occurrence has taken place.

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

6. Considering the aforesaid facts and circumstances and the fact that the petitioner having clean antecedent and informant is not the eye witness of the alleged occurrence, 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, Arwal in connection with Kurtha P.S. Case No. 347 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. 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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