

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14973 of 2024

Arising Out of PS. Case No.-79 Year-2023 Thana- PATRAKARNAGAR District- Patna

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Vinay Kumar son of Late Hari Narayan Prasad R/o- Srishti Complex,
Hanuman Nagar, PS- Patrakar Nagar, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akash Anand, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-03-2024 Heard Mr. Akash Anand, the learned counsel for the

petitioner and Mr. Chandra Sen Prasad Singh, the learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Patrakar Nagar PS Case No. 79 of 2023, FIR
dated 25.01.2023, registered for the offences punishable under
Sections 406 and 506 of the Indian Penal Code.

3. According to prosecution case, the informant had
opened a shop in Shristi Complex, Hanuman Nagar by paying Rs.
61,000/- (Rupees sixty one thousand) as security money and the
monthly rent was fixed at Rs. 5,000/- (Rupees five thousand) and
later on she had opened another shop in the same complex on the
same terms and conditions. It is further alleged that after vacating
both the shops, when the asked for her money, the owner refused



to return the same.

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 upon perusal of the FIR, it appears that although the informant has vacated the premises of the petitioner on 02.11.2022 and afterthought she has filed the present FIR on 25.01.2023, after a delay of more than eighty days, only to falsely implicate the petitioner in the present case. He lastly submits that in fact, the informant has not paid the rent amount of about three months to the petitioner and when the petitioner has asked for the dues rent amount, she has filed the false case against the petitioner.

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

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and the FIR has been lodged after a delay of more than eighty days without giving any explanation, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, 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) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Patna, where the case is pending in connection with **Patrakar**



Nagar PS Case No. 79 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the 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 learned trial Court.

(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 learned trial 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 learned trial Court 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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