

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16774 of 2024

Arising Out of PS. Case No.-879 Year-2016 Thana- GAYA COMPLAINT CASE District-
Gaya

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Balchand Bhuiyan @ Balchand Manjhi @ Jayram Kumar Son of Chamari
Bhuiyan @ Raghu Bhuia, R/o Village- Bakhari, Nagwan, P.S.- Fatehpur,
Dist.- Gaya (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Raghu Bhuiyan Son of Late Chamari Bhuiyan, R/o Village- Bakhari, Post-
Nagwan, P.S.- Fatehpur, Dist.- Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-04-2024 Heard Mr. Ajay Kumar Sinha, the learned counsel for

the petitioner and Mr. Shailendra Kumar Singh, the learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in

connection with Complaint Case No. 879 of 2016, registered for

the offences punishable under Sections 419 and 468 of the Indian

Penal Code.

3. According to prosecution case, the petitioner, who

happens to be the full brother of the complainant, has passed the

matriculation examination by giving the name of the complainant

and when the complainant asked about the matter with the

petitioner, he assaulted the complainant and his family members. It

is further alleged that when the sons of the complainant



complained to BDO and other officials regarding removal of the petitioner from his service, they were again assaulted by the petitioner. It is further alleged that the petitioner came at the house of the complainant and used force against the complainant and his family members and also committed theft of Rs. 2,500/- (rupees twenty-five thousand).

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and the complainant is the own brother of the petitioner. He further submits that the allegation levelled in the complaint petition is false and fabricated and upon perusal of the complaint petition, it appears that the complainant has not annexed any document which supports his complaint.

5. The learned Additional Public Prosecutor for the State 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 has clean antecedent and the nature of allegation, let the petitioner, above-named, in the event of his arrest or surrender before the 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, Gaya,



where the case is pending in connection with **Complaint Case No. 879 of 2016**, 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 trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the 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 trial Court 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 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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