

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15013 of 2024

Arising Out of PS. Case No.-102 Year-2021 Thana- ARWAL District- Jehanabad

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Santosh Kumar @ Ashutosh Kumar S/O Awadhesh Kumar @ Awadhesh Singh R/O Village- Vishun Bigha, P.S- Parasbigha, Distt.- Jehanabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha, Advocate
For the State : Mr. Mukesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-03-2024 Heard Mr. Dharendra Kumar Sinha, learned counsel

for the petitioner and Mr. Mukesh Kumar Singh, learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Arwal P.S. Case No. 102 of 2021, F.I.R. dated 21.03.2021 for the offences punishable under Section 420 of the Indian Penal Code, Section 66(D) of the I.T. Act and Section 10 of the Bihar Examination Act, 1981.

3. According to prosecution case, the informant as a Principal of Fetehpur Sanda Inter School, Arwal in course of inspection at gate no.2 caught one Mausam Kumari with blue-tooth devise.

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 FIR and the name of the petitioner has been transpired during the investigation on the basis of the confessional statement of the co-accused person, namely, Mausam Kumari who happens to be the sister-in-law of the petitioner. He further submits that except the confessional statement of the co-accused person no other material has come during the investigation to suggest the involvement of the petitioner in the present case.

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, Arwal in connection with Arwal P.S. Case No. 102 of 2021, 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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