

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17737 of 2024

Arising Out of PS. Case No.-580 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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Raju Kumar @ Raju Das Son of Late Hajari Das @ Hajari Das, R/O village-
Jamla, P.S.-Muffasil Motihari, Distt.-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rahul Singh, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-03-2024 Heard Mr. Rahul Singh, the learned counsel for the

petitioner and Mr. Manoj Kumar, the learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in

connection with Muffasil PS Case No. 580 of 2023, FIR dated

16.08.2023, registered for the offences punishable under Sections

461 and 379 of the Indian Penal Code.

3. According to prosecution case, the cyber cafe of the

informant was robbed and articles worth of Rs. 3,00,000/- (Rupees

three lakhs) and cash of Rs. 5,000/- (Rupees five thousand) were

stolen. It is further alleged that a few days prior to the alleged

occurrence, two boys namely Manu Kumar and Raju Das had

threatened the informant that would rob the property in question.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case merely on the basis of suspicion. He further submits that upon perusal of the FIR, it appears that the date of occurrence as alleged in the FIR is 13.08.2022, but the present FIR is instituted on 16.08.2022, afterthought, only to falsely implicate the petitioner and no cogent material has come during investigation that suggests that involvement of the petitioner in the present occurrence.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner, but fairly submits that from bare perusal of the FIR, it appears that the present FIR is instituted against the petitioner merely on the basis of suspicion.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and his name has transpired merely on the basis of suspicion, 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 Chief Judicial Magistrate, Motihari, East Champaran, where the case is pending in connection with **Muffasil PS Case No. 580 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 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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