

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16290 of 2024

Arising Out of PS. Case No.-479 Year-2023 Thana- HARSIDHI District- East Champaran

Ramlal Prasad S/o Raidev @ Bhikham Prasad @ Rajdev Prasad Resident of
Village- Dudhai, P.S.- Harsiddhi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishwajeet Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-03-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Harsidhi P.S. Case No. 479 of 2023 instituted under Sections 413 and 414 of the Indian Penal Code lodged on 27.7.2023 by the informant, Ravi Ranjan Kumar.

3. As per the prosecution story, the informant upon secret information that stolen motorcycle are being taken away from the house of the petitioner, reached the place and saw two persons on the two motorcycles which were found to be stolen. The third person escaped and those apprehended named him. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he do not have criminal antecedent, have nothing to do with the



recovery and due to enmity has been implicated. Further, contrary to the allegation made in the FIR, seizure list would show that no recovery/seizure is from his house. Last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner would like to pay Rs. 10,000/- towards his contribution to the two lawyers who died on 13.03.2024 in the Civil Court, Patna and the demand draft will be given in the name of District Legal Services Authority, Patna who shall in turn shall hand over the amount to the families of the two victims lawyers who died in transformer incident @ Rs. 5000/- each.

5. Learned APP opposes the prayer for anticipatory bail.

6. Taking into account the submission as also the fact that recovery/seizure is from the two other accused persons namely Dilip Kumar and Sagar Kumar, the name of the petitioner has come in the confessional statement, nothing has been recovered from his house, do not have criminal antecedent, this Court is inclined to extend her privilege of anticipatory bail subject to payment of Rs. 10,000/- in the name of D.L.S.A., Patna who in shall deliver the same to the families of the victim lawyer died in transformer incident vide



cheques of Rs. 5000/- each, as stated above.

7. Let the petitioner be released on bail, in the event of her arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Harsidhi P.S. Case No. 479 of 2023 to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make herself available to the police as and when required;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at
liberty to take steps for cancellation of her bail bonds.

(Rajiv Roy, J)

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