

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18494 of 2024

Arising Out of PS. Case No.-530 Year-2022 Thana- SIWAN COMPLAINT CASE District-
Siwan

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Lalan Ram Son of Late Nagina Rai @ Nagina Ram Resident of Village-
Lebhari, P.S.- Mairwa, Dist.- Siwan

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Prabhakar Singh, Advocate
For the Opposite Party/s	:	Mr. Shahabuddin Azeem @ S. Azeem, APP
For the Complainant	:	Mr. Bijay Prakash Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-04-2024 Heard Mr. Prabhakar Singh, learned counsel for the

petitioner, Mr. Bijay Prakash Singh, learned counsel appearing
on behalf of the complainant as well as Mr. Shahbuddin Azeem
@ S. Azeem, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 530 of 2022 for the
offences punishable under Sections 379, 417, 365 and 34 of the
Indian Penal Code but the cognizance has been taken under
Section 365 of the Indian Penal Code.

3. According to prosecution case, all the accused
persons have taken away the ornaments and cash from the
complainant's house. It is further alleged that after the two days
of the occurrence, a scuffle took place between the complainant



and the accused persons.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case due to admitted land dispute between the family members of the daughter-in-law of the complainant. He further submits that from perusal of the complaint petition it appears that the date of occurrence as alleged is 14.12.2021 but the present complaint petition has been instituted on 28.03.2022 i.e. after delay of about 3 ½ months without giving any explanation of the said delay. He further submits that it appears that till date the family member of the victim has not made any complaint before the appropriate forum. He further submits that the petitioner has been made accused in the present occurrence merely on the ground that there is land dispute between the family member of the daughter-in-law of the complainant.

5. The learned counsel appearing on behalf of the complainant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that till date the victim is traceless.

6. Considering the aforesaid facts and circumstances and the petitioner has clean antecedent and there is no specific



allegation against the petitioner, 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 Judicial Magistrate 1st Class, Siwan in connection with Complaint Case No. 530 of 2022, 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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