

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17892 of 2024

Arising Out of PS. Case No.-445 Year-2023 Thana- DINARA District- Rohtas

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Duleshwar Kumar Son Of Harendra Chauhan @ Harendra Chaudhary @
Harendra Chaudhari, R/o Village Chamraha Ps Dinara District Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mithilesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-03-2024 Heard Mr.Mithilesh Kumar Singh, learned counsel
for the petitioner and Mr.Jitendra Kumar Singh, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Dinara P.S.Case No.445 of 2023,FIR dated 08.09.2023 registered for the offences punishable under Section 395 of IPC and later on Section 412 of IPC is added.

3. The FIR of the occurrence of Dacoity is against unknown.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Petitioner is not named in the FIR and the name of the petitioner has been transpired on the basis of the confessional statement of co-accused person,



namely, Vikas Kumar. Further submits that in fact the petitioner has purchased the Tab from co-accused person, namely, Vikas Kumar and the said Tab has been recovered from the house of the petitioner and the petitioner has purchased the Tab from Vikas Kumar so Vikas Kumar has named the petitioner during his confessional statement.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent and the name of the petitioner has been transpired on the basis of the confessional statement of co-accused person, namely, Vikas Kumar, let the petitioner, above named, in the event of his 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 learned Additional Chief Judicial Magistrate-I, Bikramganj, Rohtas in connection with Dinara P.S.Case No.445 of 2023, 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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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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