

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18379 of 2024

Arising Out of PS. Case No.-2209 Year-2022 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Manoj Kumar Dwivedi @ Manoj Kumar Debe @ Bablu Bijli Mistri S/o Utpal Dwivedi R/o Mohalla - Pratap Nagar Katihar, P.S. - Katihar Nagar, Dist. - Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kishor Kumar Singh S/o Late Anil Kumar Singh R/o Mohalla - Mirchai Bari Naya Tola Katihar, P.O. - Katihar, P.S. - Katihar Nagar, Dist. - Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satya Narayan Yadav, Advocate
For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-04-2024 Heard Mr.Satya Narayan Yadav, learned counsel for the petitioner and Mr.Surendra Prasad Singh, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with C.A. (Complaint Case) No.2209 of 2022 registered for the offences punishable under Sections 406,323,504 of the Indian Penal Code.

3. As per prosecution case in brief is that the accused was doing electric work at the house of complainant and for this work complainant paid Rs. 63778/- but his work was pending. The complainant again paid Rs. 3000/- for wiring but the accused did not pay any attention. On 09-10-2022 when



complainant went to the house of petitioner where he refused to do electric work.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the FIR/Complaint petition is false and fabricated and the petitioner has not committed any offence as alleged in the FIR/Complaint petition. In fact the petitioner is an Electrical Mechanic and he has performed the work in the house of the informant/complainant and during the period of Covid, the work was stopped and thereafter due to some dispute, the informant/complainant has filed the false complaint petition against the petitioner and from a bare perusal of the complaint petition/ S.A. of the complainant it appears that no case is made out against the petitioner.

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

6. Considering the aforesaid facts, petitioner has clean antecedent and from a bare perusal of the complaint petition/S.A. it appears that no case is made out against the petitioner for the purpose of granting privilege of anticipatory



bail to the petitioner, 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 Judicial Magistrate-1st Class, Katihar in connection with C.A. (Complaint Case) No.2209 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/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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