

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20723 of 2024

Arising Out of PS. Case No.-399 Year-2023 Thana- BAISI District- Purnia

Raj Kishor Singh son of Late Kishan Singh R/o- Nagarpura Ps- Bhawanipur
Dist- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-04-2024 Heard Mr. Sanjeev Kumar Singh, learned counsel
for the petitioner and Mr. Yogendra Kumar Singh, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Baisi P.S. Case No. 399 of 2023, F.I.R. dated 01.10.2023 for the offences punishable under Section 414 of the Indian Penal Code, Sections 6/7 of Fertilizer Control Order, 1985 and Section 7 of E.C. Act, 1955.

3. According to prosecution case, 90 bags of Murate of Potash were recovered from the pickup van which was driven by this petitioner.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the



allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. In fact the petitioner is the driver of the pickup van in question and some recovery has been made from the said vehicle and the owner of the said pick up van, namely, Anuj Kumar Singh has been granted anticipatory bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 17.02.2024 passed in Cr. Misc. No. 4298 of 2024.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and the co-accused, who is owner of the pickup van has been granted anticipatory bail by a Co-ordinate Bench of this Hon'ble Court, 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 Chief Judicial Magistrate, Purnea in connection with Baisi P.S. Case No. 399 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 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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