

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21591 of 2024

Arising Out of PS. Case No.-1299 Year-2023 Thana- BIHTA District- Patna

Abhay Kumar Son Of Ram Raj Ray @ Ram Ray @ Ram Raj Yadav @ Ram Ray Prasad Resident Of Village - Mandahi Katesar, P.S. - Bihta, District - Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-04-2024 Heard Mr.Binay Kumar Singh, learned counsel for the petitioner and Mr.Dr. Ajeet Kumar, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bihta P.S. Case No.1299 of 2023, FIR dated 27.12.2023 registered for the offences punishable under Section 379 of IPC.

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

4. Learned counsel for the petitioner submits that petitioner has clean antecedent. 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 during investigation



on the basis of the confessional statement of co-accused person, namely, Ankit Kumar and except the confessional statement of co-accused person, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence.

5. Learned APP 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 during investigation on the basis of the confessional statement of co-accused person, 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, Danapur, Patna in connection with Bihta P.S. Case No.1299 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 bonds shall be cancelled by the Court below.

(II) If the petitioner tamper 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 antecedents, 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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