

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25220 of 2024

Arising Out of PS. Case No.-3 Year-2008 Thana- HARPUR District- Munger

Mithlesh Kumar Singh son of Jyotish Prasad Singh R/o- Bharat Niwas Bharat
Singh lane West Jay Prakash Nagar Phulwari Ps- Phulwari Sharif Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Priyadarshi, Advocate

For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-05-2024 Heard Mr.Manoj Priyadarshi, learned counsel for the

petitioner and Mr.Rajendra Nath Jha, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Harpur P.S.Case No.03 of 2008,FIR dated 03.03.2008 registered for the offences punishable under Sections 147,148,149,323,379,448,419,420,406,120(B)/34 of the Indian Penal Code.

3. Allegation is that a vehicle was purchased by the complainant which was financed by Badaidi Finance Enterprises Private Limited on down payment of rupees one lakh. Agreement was executed on stamp paper. The vehicle was released in favour of the complainant. It was registered and papers were kept by accused Dani Mishra. The amount was paid



by the complainant but no receipt was given. When the complainant tried to obtain receipt then additional amount of rupees two lakh was demanded.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. The allegation as alleged in the complaint petition/FIR is false and fabricated and the petitioner has not committed any offence as alleged in the complaint petition/FIR. As per complaint petition/FIR, allegation against the petitioner is that he introduced the other co-accused persons from the Badaidi Finance Enterprises Private Limited and petitioner has not received any amount from the complainant and the police, after investigation, submitted Chargesheet No.16 of 2012 and filed a chargesheet and not sent up for trial to the petitioner and the learned court below in a mechanical manner has taken cognizance against the petitioner vide order dated 14.05.2012. Learned counsel for the petitioner submits that till date petitioner has not received any summons or notice from the learned court below and he has no knowledge about the present case that the learned court below has taken cognizance against the petitioner and other co-accused persons, namely, Dani Mishra, Vivek Mishra and Upendra Bhagat have already been



granted privilege of anticipatory bail by different Coordinate Benches of this Hon'ble Court vide orders dated 20.11.2008 and 09.02.2009 passed in Cr. Misc. Nos.42158 of 2008 and Cr. Misc. No.167 of 2009 respectively.

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

6. Considering the aforesaid facts, petitioner has clean antecedent and he has not received any amount from the complainant, 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 Chief Judicial Magistrate, Munger/ Successor Court in connection with Harpur P.S.Case No.03 of 2008, 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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