

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28112 of 2024

Arising Out of PS. Case No.-286 Year-2013 Thana- BAKHTIYARPUR District- Patna

Santosh Kumar @ Pagalawa @ Pagala Son of Indradeo Singh @ Indradev
Prasad Resident of Raghapur, P.S.- Bakhtiyarpur, Dist.- Patna ... Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate
For the State : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-05-2024 Heard Mr. Manoj Kumar Pandey, learned counsel
for the petitioner and Mr. Harendra Prasad, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bakhtiyarpur P.S. Case No. 286 of 2013, F.I.R. dated 27.12.2013 for the offences punishable under Sections 414, 467, 473, 420 and 34 of the Indian Penal Code.

3. According to prosecution case, the petitioner along with co-accused person is said to have tried to commit theft and after seeing the police patrolling team they fled away and several stolen items were seized by the police from the house of the co-accused person, namely, Manjesh @ Mintu @ Rahul.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the basis of the



disclosure made by the co-accused persons namely Manjesh @Mintu @Rahul. He further submits that except the aforesaid no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and till date no process has been initiated against the petitioner by the learned Court below which suggests that the petitioner is evading his arrest.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts that the petitioner has clean antecedent, except the disclosure made by the co-accused person and no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence, 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 the learned Additional Chief Judicial Magistrate, Barh, Patna in connection with Bakhtiyarpur P.S. Case No. 286 of 2013, 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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