

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28061 of 2024

Arising Out of PS. Case No.-1324 Year-2023 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Sagar Kumar Son of Shiv Kumar, Resident of Near Shivala Mandir, Hemra Chowk, Ward-20, Matihani Road, Begusarai, P.S.- Begusarai, Dist.- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rohit Kumar Son of Late Sipahi Sharma, Resident of Virpur, P.S.- Virpur, Dist.- Begusarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pranoy Kumar, Advocate
For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-07-2024 Heard Mr. Pranoy Kumar, the learned counsel for

the petitioner and Mr. Syed Ehteshamuddin, the learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in

connection with Begusarai Complaint Case No. 1324C of 2023,

FIR dated 25.07.2023, registered for the offences punishable

under Sections 323, 341, 506 and 406 of the Indian Penal Code.

3. According to the prosecution case, the co-accused

persons cheated the complainant under the pretext of giving job

and took altogether Rs. 8,00,000/- (Rupees eight lakhs) from

him.



4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. Although, the name of the petitioner is not mentioned in the complaint petition, but bare perusal of the deposition of the complainant, it appears that complainant has not stated anything about the petitioner and he has not stated anything with regard to the payment of rupees, which was given to one Arjun Chowdhury, Rs. 25,000/- (Rupees twenty-five thousand) given to the driver and Rs. 2,00,000/- (Rupees two lakhs) given to the uncle of Himanshu Raj and there is no allegation that petitioner has received any amount from the complainant.

5. The learned counsel for the informant as well as the learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that bare perusal of the complaint petition, it appears that petitioner is accused in the complaint petition. Apart from that, the petitioner carries one criminal antecedent other than the present.

6. Considering the aforesaid facts and circumstances and mainly the fact that there is no allegation against the petitioner demanding money for grant of job, let the petitioner, above-named, in the event of his arrest or surrender before the



learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 JMFC-23, Begusarai, where the case is pending in connection with **Begusarai Complaint Case No. 1324C of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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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