

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31523 of 2024

Arising Out of PS. Case No.-385 Year-2018 Thana- LAHERIMUHALLA District- Nalanda

Bablu @ Bablu Kumar, Male, aged about 48 years, son of Kishori Singh,
resident of village- Shodipur, Shorahi Par, PS- Warsaliganj, Dist- Nawada
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Alka Panday, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 10-07-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Laheri PS Case No.385 of 2018 dated 18.11.2018, instituted
under Sections 420, 419, 467, 468/34 of the Indian Penal Code.

3. The prosecution case, in short, is that on the alleged
date of occurrence, the informant, who is Inspector of Police,
got information that some persons are cheating the innocent
people and are indulged in selling spurious medicines. The
informant along with his team reached to the place of
occurrence and apprehended one person while others managed
to flee away. Four registers, one rubber stamp, addressed
envelopes, three mobile phones, list of name and address and
receipt of parcel orders were recovered from the apprehended



persons.

4. Learned counsel for the petitioner submits that the petitioner has been named in the FIR only on the basis of disclosure made by the apprehended person, namely, Mukesh Kumar Gupta. It is further submitted that petitioner was not apprehended at the spot and nothing has been recovered either from the possession or from the house of the petitioner. It is further submitted that the alleged recovery has been made from co-accused Mukesh Kumar Gupta. It is also submitted that similarly situated co-accused Saurav Verma has been granted bail by this Court vide order dated 23.08.2023 passed in Cr. Misc. No.53771 of 2023. Lastly, it is submitted that one criminal case is pending against the petitioner.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at Biharsharif, in Laheri PS Case No.385 of 2018, subject to the conditions laid down in



Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed 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) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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