

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37645 of 2024

Arising Out of PS. Case No.-238 Year-2021 Thana- TAJPUR District- Samastipur

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Bauaa Pandit @ Shiv Narayan Pandit S/o Late Ram Nandan Pandit @ Late
Nandan Pandit R/o Village Bhusari, P.S. Samastipur (Muffassil), Dist.
Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha.1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-07-2024 Heard Mr. Dilip Kumar Roy, learned counsel for the

petitioner and Mrs. Pushpa Sinha, 1, learned APP for the State.

2. The petitioner is apprehending his arrest
connection with Tajpur (Halai O.P.) P.S. Case No. 238 of 2021,
F.I.R. dated 14.06.2021 registered for the offences punishable
under Section 379 of the Indian Penal Code.

3. The F.I.R. of the occurrence of theft is against
unknown.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that the petitioner is not named
in the F.I.R. and the name of the petitioner has been transpired on
the basis of the confessional statement of co-accused person
namely Avinash Kumar and except the confessional statement of



co-accused, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that similarly situated co-accused person namely Chandan Kumar has been granted the privilege of anticipatory bail by this Court vide order dated 29.11.2023 passed in Cr. Misc. No. 75932 of 2023.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner is involved in another case of similar nature but fairly submits that the petitioner is on bail in the pending matter.

6. Considering the facts and circumstances of the case and the fact that the petitioner is not named in the F.I.R. and name of the petitioner has been transpired on the basis of confessional statement of co-accused as well as similarly situated co-accused person has been granted the privilege of anticipatory bail by this Court, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st Class, Samastipur in connection with Tajpur (Halai O.P.) P.S. Case No. 238 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other



following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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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