

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40145 of 2024

Arising Out of PS. Case No.-489 Year-2023 Thana- FATUA District- Patna

DIPAK KUMAR SON OF LALIN RAY RESIDENT OF VILLAGE -
SARWAHANPUR, AKHARIYA, P.S. - FATUHA, DISTRICT - PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudra Deo, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-07-2024

Heard the parties.

2. The petitioner is apprehending his arrest in connection with Fatuha P.S. Case No. 489 of 2023 for the offence under Sections 414/34 of the I.P.C. lodged on 27.06.2023 by the informant, Shivpoojan Singh.

3. As per the prosecution story, the informant alleged that upon information that a theft vehicle standing and has been committed by named accused, the police reached there and saw four persons standing there. Two of them managed to escape but Suraj Kumar and Vijay Kumar were apprehended and gave the name of other accused as Deepak Kumar, this petitioner as also Santosh who escaped. The vehicle was stolen from Muzaffarpur, the same was seized and the FIR was lodged.

4. Learned counsel for the petitioner submits that the



vehicle was seized in the presence of two accused persons and due to enmity, he has been named and he do not have any criminal antecedent.

5. Learned APP opposes the prayer submitting that his name has come in the confessional statement.

6. Taking into account the submissions put forward by the parties as also that his name has come in the confessional statement and he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. However, if it is found that contrary to the statement made in the petition, the petitioner has criminal antecedent, the order shall become infructuous.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM, Patna City, Patna in connection with - Fatuha P.S. Case No. 489 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official



document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

U		T	
---	--	---	--

