

Arising Out of PS. Case No.-56 Year-2022 Thana- BHAGWANPUR District- Vaishali

- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh, Advocate
For the State : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-07-2024 Heard Mr. Awadhesh Kumar Singh, learned
counsel for the petitioners and Mr. Atul Chandra, learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in



connection with Bhagwanpur P.S. Case No.56 of 2022, FIR dated 06.03.2022 registered for the offences punishable under Section 379 of the Indian Penal Code.

3. The FIR of the occurrence of theft is against unknown.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case and the petitioners are not named in the FIR and the name of the petitioners have been transpired during investigation merely on the basis of suspicion and some so called looted articles have been recovered from the house and shop of the petitioners. He further submits that till date no TIP has been conducted by the prosecution.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, petitioners have clean antecedent, they are not named in the FIR and the name of the petitioners have been transpired during investigation merely on the basis of suspicion, let the



petitioners, above named, in the event of their 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)each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 56 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper 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 petitioners and in



case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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