

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 39995 of 2024

Arising Out of PS. Case No.-11 Year-2022 Thana- MASHRAK District- Saran

ROUSHAN KUMAR SON OF ARUN SRIWASTWA RESIDENT OF
VILLAGE - BASOHI, P.S. - MASHRAKH, DISTRICT - SARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, 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 Mashrakh P.S. Case No. 11 of 2022 for the offence punishable under sections 457 of 380 of the I.P.C. lodged on 09.01.2022 by the informant, Mohan Pandey.

3. As per the prosecution story, the informant was away from home and came to know about the theft in his house through the neighbour. Accordingly, the police was informed, came and later, FIR against unknown.

4. It is the case of the petitioner that subsequently during investigation, certain accused persons were taken into custody and on their confession, his name cropped up. His submission is that he do not have criminal antecedent, no role to play in the matter and has been dragged in only on the basis of



confession.

5. Learned APP opposes the prayer submitting that the other accuseds have named him.

6. Taking into account the aforesaid submissions put forward by the parties as also the petition which shows that nothing has been recovered from the possession of the petitioner 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 have 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 Chief Judicial Magistrate, Saran at Chapra, in connection with Mashrakh P.S. Case No. 11 of 2022 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 month for 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)

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