

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40445 of 2024

Arising Out of PS. Case No.-74 Year-2024 Thana- MADANPUR District- Aurangabad

Dharmendra Das S/o Subedar Das R/o Village Manjhoulia-2, P.S. Amas
District Gaya, Pincode 824219

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-07-2024 Heard Mr. Rakesh Kumar Sharma, learned counsel
for the petitioner and Mr. Bhanu Pratap Singh, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Madanpur P.S. Case No. 74 of 2024, F.I.R. dated 01.03.2024 for the offences punishable under Sections 447, 384, 353, 504 and 506 of the Indian Penal Code.

3. According to prosecution case, this petitioner has locked the school where he was working as a peon and on query made by the principal, he misbehaved and used abusive language with him.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the



petitioner was posted as peon in the school in question. And as per the allegation in the F.I.R, the petitioner has locked the school and when the principal tried to contact him then he misbehaved and abused him. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that after sometime, both the parties have entered into a compromise by filing a compromise petition on 04.05.2024 before the learned Court below.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, both the parties have entered into compromise and the nature of allegation, let the petitioner, above named, in the event of 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) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Madanpur P.S. Case No. 74 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and



with other following conditions:-

- i. 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.
- ii. 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.
- iii. 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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