

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41987 of 2024

Arising Out of PS. Case No.-530 Year-2022 Thana- SIWAN COMPLAINT CASE District-
Siwan

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Ramnarayan Ram Son of Late Kamla Ram Resident of village - Lebhari, P.S.-
Mairwa, District - Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Maksudan Yadav Son Of Late Ramayan Yadav Village- Bhuli Chakri, P.S.-
Raghunathpur, Distt.- Siwan

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhakar Singh, Advocate
For the State : Mrs. Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-07-2024 Heard Mr. Prabhakar Singh, learned counsel for the

petitioner and Mrs. Rita Verma, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 530 of 2022 for the
offences punishable under Sections 379, 417, 365 and 34 of the
Indian Penal Code in which cognizance has been taken under
Section 365 of the Indian Penal Code.

3. According to prosecution case, On 14.12.2021 at
about 12:00 A.M. all the accused persons including the
petitioner came to the informant's house on tempu and told that
the mother of the complainant's daughter-in-law is ll on which



the daughter-in-law of the complainant was taken sixty thousand cash and ornaments and went for her *naihar* with her three children and when the complainant enquired the matter from the *naihar* of her daughter-in-law, they came to know that no one has come there, thereafter hectic search was made, but in vain.

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 allegation as alleged is false and fabricated and the petitioner has not committed any offence as alleged in the complaint petition. He further submits that due to admitted land dispute the complainant has filed the present complaint case against the petitioner and other co-accused persons. He further submits that from a bare perusal of the complaint petition it appears that the date of occurrence as alleged in the complaint petition is 14.12.2021 but the present complaint case instituted on 28.03.2022 after a delay of three and a half months without giving any explanation for the delay. He further submits that the similarly situated co-accused person, namely, Lalan Ram has been granted anticipatory bail by this Court vide order dated 02.04.2024 passed in Cr. Misc. No. 18494 of 2024.

5. Learned Additional Public Prosecutor for the State,



on the other hand, has opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the present complaint case has been filed after delay of more than three months and co-accused person has already been granted bail by this Court, 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 Judicial Magistrate 1st Class, Siwan in connection with Complaint Case No. 530 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. 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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