

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56273 of 2023

Arising Out of PS. Case No.-245 Year-2021 Thana- MUFFASIL District- West Champaran

1. Shakti Swarup Sharma Son Of Late Shiv Swarup Sharma Resident Of Chaturbhuj Thakur Marg, Kalambagh Road P.S.-Kalambagh Road, District-Muzaffarpur
2. Mrs. Meera Sharma Wife Of Shanti Swarup Sharma Resident Of Chaturbhuj Thakur Marg, Kalambagh Road P.S.-Kalambagh Road, District-Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Ajay Kumar Jha, APP
For the Informant	:	Mr. Dhananjay Kumar No. 2, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 12-01-2024 Heard Mr. Sanjay Kumar Sinha, learned counsel for the petitioners, Mr. Dhananjay Kumar No. 2, learned counsel appearing on behalf of the informant as well as and Mr. Ajay Kumar Jha, learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Bettiah Mufassil P.S. Case No. 245 of 2021, F.I.R. dated 05.04.2021 for the offences punishable under Sections 467, 468, 471, 420/34 of the Indian Penal Code.

3. Earlier the petitioners have moved before this Hon'ble Court vide order dated 07.12.2022 passed in Cr. Misc. No. 48632 of 2022 which was withdrawn with liberty to move a fresh whenever apprehension arises.



4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that during pendency of the bail application the petitioner has returned Rs. 9 lakh to the informant and the informant has accepted the same and the cheque amount of Rs. 9 lakh have already been credited in the account of the informant. A deed of settlement was also signed between the parties on 11.12.2023 in which the informant has returned the car in question to the petitioner and the petitioner has paid Rs. 9 lakh to the informant and the informant has undertake that he shall not pursue Bettiah Mufassil P.S. Case No. 244 of 2021 against the petitioners.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have no objection in this regard.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of six weeks' 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 the learned Chief Judicial Magistrate, Bettiah (West Champaran) in



connection with Bettiah Mufassil P.S. Case No. 245 of 2021, 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 bond shall be cancelled by the Court below.

ii. If the petitioners 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, 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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