

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59919 of 2024

Arising Out of PS. Case No.-143 Year-2015 Thana- DAUDPUR District- Saran

Ashok Nut Son of Butai Nut R/V-Village- Lal Bazar, PS- Chapra Muffasil,
District- Saran at Chapra (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-09-2024 Heard Mr. Rakesh Kumar, learned counsel for the

petitioner and Md. Aslam Ansari, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Daudpur P.S. Case No. 143 of 2015, F.I.R. dated 14.09.2015 for the offences punishable under Sections 457 and 380 of the Indian Penal Code.

3. According to prosecution case, the informant saw that two persons were coming out from his room and fled towards the riverine belt. It is further alleged that the informant found the lock of the box kept in his house broken and jewellery, phones and other articles were found to be missing.

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 is not named in the F.I.R and the name of the petitioner has been transpired after 5 years of the occurrence. He further submits that nothing has been recovered from the conscious possession of the petitioner and the name of the petitioner has been transpired on the basis of the confessional statement of the co-accused, Moharram Nut.

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 and the name of the petitioner has been transpired on the basis confessional statement of the co-accused person, 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, Saran at Chapra in connection with Daudpur P.S. Case No. 143 of 2015, 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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