

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 62198 of 2024

Arising Out of PS. Case No.-517 Year-2024 Thana- ARA NAWADA District- Bhojpur

Umesh Prasad Singh @ Umesh Prasad S/o Ramkripal Singh Resident OF
Village- Saipur, Ps -Muffassil Ara, Distt.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh, Sr. Adv.

Mr. Sanchit Singh, Adv.

For the Opposite Party/s : Mr. M. K. Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 04-09-2024 Heard Mr. Bindhyachal Singh, learned Senior Advocate representing the petitioner and Mr. M. K. Nirala, learned Additional Public Prosecutor for the State.

2. This is an application for grant of bail to the petitioner, who is in custody in connection with Nawada P.S. Case No. 517 of 2024, registered for the offences punishable under Sections 316(5) and 318(4) of the Bharatiya Nyaya Sanhita, 2023.

3. In course of surprise visit by the District Magistrate, the petitioner was found present in the office of Halka Karamchari. It is further alleged that the petitioner is said to be working as an Agent of the Halka Karamchari.

4. Learned Senior Advocate for the petitioner adverting to the FIR contended that surprisingly the petitioner, who is said to be working as an Agent of the Halka Karamchari, has been made an accused but the Halaka Karamachari has been left out against whom there was allegation of asking bribe. No incriminating material has



been recovered from the person or possession of the petitioner. Except suspicion, there is no material. Even if the allegation is taken to be true, no case much less under Sections 316(5) and 318(4) of the Bharaiya Nyaya Sanhita, 2023 is made out. Be that as it may, the petitioner has been incarcerated since 16.07.2024 and the crime in question is triable by the Magistrate.

5. On the other hand, learned APP for the State opposed the bail application and submitted that the investigation is going on against the petitioner and his release would affect the investigation.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that no incriminating material has been recovered from the person or possession of the petitioner, save and except the allegation that the petitioner is said to be working as an Agent of the Halka Karamchari, there is no material, coupled with the fair antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge, Bhojpur at Ara in connection with Nawada P.S. Case No. 517 of 2024, subject to



the condition that one of the bailors shall be the own/close family members of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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