

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64646 of 2024

Arising Out of PS. Case No.-47 Year-2024 Thana- BARHARA District- Bhojpur

Dineshwer Yadav S/o- Late Ram Bachan Ray, R/o Vill- Paiga, Po- Gundi, Ps-
Barhara, Dist- Bhojpur, Ara.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Md. Helal Ahmad, Advocate
	Mr. Ejaz Akhter, Advocate
For the Opposite Party/s :	Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-10-2024 Heard Mr. Md. Helal Ahmad, the learned counsel
for the petitioner and Mr. Satyendra Prasad, the learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Barhara PS Case No. 47 of 2024, FIR dated
27.01.2024, registered for the offence punishable under Section
392 of the Indian Penal Code.

3. According to the prosecution case, three persons
intercepted the informant while he was going home and took
Rs. 18,000/- (Rupees eighteen thousand only) from the
informant and fled away.

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 petitioner



is not named in the FIR and name of petitioner transpired during investigation on the basis that petitioner is the owner of the motorcycle bearing registration no. BR-03-AH-6521. He further submits that it has come during investigation that one co-accused person namely, Ranu Yadav @ Charaiya @ Guddu has been arrested and he, in his confessional statement, has named the son of the petitioner, that petitioner's son was also involved in the present crime in question. He lastly submits that after investigation it was found that the motorcycle in question, as mentioned aforesaid, was used in the present crime in question and petitioner has been made accused in the present case because he is the owner of the motorcycle in question.

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

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent, he is not named in the FIR and it has come during investigation that son of the petitioner was involved in the present crime in question, hence, petitioner has been made accused in the present case, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four



weeks from the date of receipt of the order, be released on anticipatory 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, Bhojpur, Ara, where the case is pending in connection with **Barhara PS Case No. 47 of 2024**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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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