

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65384 of 2024

Arising Out of PS. Case No.-405 Year-2023 Thana- SHERGHATI District- Gaya

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Ajay Kumar Son of Rampravesh Yadav Resident of Village - Bala Bazar, P.S.
- Kurtha, District- Arwal

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan, Advocate

For the Opposite Party/s : Mr.Ram Naresh Ray, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-10-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Sherghati P.S. Case No. 405 of 2023 instituted under Section 414/34 of the Indian Penal Code lodged on 23.04.2023 by the informant, Rameshwar Pandey.

3. As per the prosecution story, the informant alleged that during the night patrolling, it saw a four wheeler coming, it was intercepted and search was made. Whereafter, the hand-pipe and hardware parts of the hand-pump were recovered/seized. As no satisfactory reply was given by those present namely Pradeep Prasad Singh and Ravi Kumar were apprehended and they informed that the articles belong to the petitioner and one Hamid and they sell the stolen articles through Kabari. Accordingly, the FIR.



4. Learned counsel for the petitioner submits that only on the basis of mobile phone number, he has been made accused. Nothing has been recovered from his conscious possession and he do not have criminal antecedent. Further, irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs.10,000/- to the Chief Minister's Relief Fund through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer submitting that the apprehended persons with stolen articles have name him.

6. Though, the accused arrested has named this petitioner, he do not have criminal antecedent and on the basis of the said statement only, he has been made accused, FIR lodged, he will be facing the trial, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs.10,000/- to the Chief Minister's Relief Fund through Demand Draft issued by the local branch of the State Bank of India.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on



furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Sherghati P.S. Case No. 405 of 2023 to the satisfaction of learned A.C.J.M.-1st Class, Sherghati, Gaya subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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