

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67514 of 2024

Arising Out of PS. Case No.-163 Year-2024 Thana- BHELDI District- Saran

Binay Kumar Son of Mani Bhushan Prasad Yadav @ Mani Bhusan Prasad,
Resident Of Village- Sonoho, PS- Bheldi, Distt.- Saran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ram Kishun Prasad, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-10-2024 Heard Mr. Ram Kishun Prasad, the learned counsel
for the petitioner and Mr. Shailendra Kumar, the learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Bheldi PS Case No. 163 of 2024, FIR dated
03.05.2024, registered for the offences punishable under
Sections 379, 406 and 120(B) of the Indian Penal Code.

3. According to the prosecution case, one Binay
Kumar, the driver of complainant / informant stole his tractor
bearing registration no. BR-04-GB-7289 and when
complainant / informant approached the concerned Police
Station, they did not register his case.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case and the allegation levelled in the



FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR, in fact, the petitioner has purchased the vehicle in question with informant, and petitioner has paid the monthly installment to the bank and when the informant did not pay the bank installment for the aforesaid vehicle in question, only then the petitioner took the vehicle in his possession. Thereafter, the informant has filed the present false case against the petitioner and for that purpose investigating officer has submitted a report before the learned trial Court by which he has informed the learned trial Court regarding the aforesaid facts.

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 and the vehicle in question is a joint property, 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, Chapra at Saran, where the case is



pending in connection with **Bheldi PS Case No. 163 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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