

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64433 of 2023

Arising Out of PS. Case No.-17 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

Mithilesh Prasad Singh Son of Late Rampukar Singh Resident of Village - Chapar, P.S. - Mohiuddin Nagar, District - Samastipur. Contemporaneous Panchayat Secretary at Gram Panchayat Shahpur Undi, Block - Patori, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh, Sr. Advocate Mr. Amit Kumar, Advocate Mr. Kumar Bal Krishna. Advocate
For the Informant	:	Mr. Praveen Ranjan, Advocate
For the Opposite Party/s	:	Ms. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-02-2024 Heard Mr. Krishna Pd. Singh, the learned senior counsel for the petitioner, Mr. Praveen Ranjan, the learned counsel for the informant and Ms. Rita Verma, the learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Patori PS Case No. 17 of 2023, FIR dated 07.01.2023, registered for the offences punishable under Sections 168, 169, 218, 379, 403, 406, 409, 420, 422, 465 and 477(A) of the Indian Penal Code.

3. According to prosecution case, the petitioner along with other co-accused persons had felled around 200 trees from the Government land, which was identified for construction of



Panchayat Bhawan without permission.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that for the same set of occurrence, two FIRs had been instituted, one by the Circle Officer, which is Patori PS Case No. 88 of 2022 and the complainant has filed the complaint petition for the same set of allegation against the petitioner and other co-accused persons. He further submits that from bare perusal of the complaint petition, it appears that merely on the basis of suspicion, the petitioner has been made accused in the present case and there is no specific allegation against the petitioner.

5. The learned counsel for the informant as well as the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that apart from the that, the petitioner carries two cases of similar nature other than the present, but fairly submits that complainant has come to know from reliable sources that the petitioner and other co-accused persons in collusion with the Government officials had committed the crime in question.

6. Considering the aforesaid facts and circumstances



and the fact that the petitioner has been made accused in the present case merely on the basis of suspicion and there is no specific allegation against the him, let the petitioner, above-named, in the event of his arrest or surrender before the Court below, 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 Additional District & Sessions Judge-IX, Samastipur, where the case is pending in connection with **Patori PS Case No. 17 of 2023**, 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 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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