

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64691 of 2023

Arising Out of PS. Case No.-203 Year-2023 Thana- WARISNAGAR District- Samastipur

RAJNISH KUMAR SINGH SON OF JAYNATH PRASAD SINGH
RESIDENT OF VILLAGE - SADHAR SULTANPUR, POLICE STATION -
BHAGWANPUR HAT, DISTRICT - SIWAN

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. SATYENDRA KUMAR JHA SON OF HRIDAY NARAYAN JHA
RESIDENT OF VILLAGE - LAKHANPATTI, P.S. - WARISNAGAR,
DISTRICT - SAMASTIPUR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bijay Bhushan Prasad, Advocate Ms. Rani Shashi Bharti, Advocate
For the Opposite Party/s	:	Mr.Rabindra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 27-02-2024 Heard Mr. Bijay Bhushan Prasad, learned counsel
for the petitioner and Mr. Rabindra Kumar, learned counsel
appearing on behalf of the informant.

2. The petitioner is apprehending arrest in connection
with Warisnagar P.S. Case No. 203 of 2023 instituted under
Sections 379 and 420 of the Indian Penal Code lodged on
10.6.2023 by the informant, Satyendra Kumar Jha.

3. As per the prosecution story, the informant alleged
that the petitioner had further given an undertaking that the
payment that is to be made to the Bank, he will be paying the
monthly installment. He wanted to take a trial of the car and



thereafter disappeared. One of his accomplice was held and as the petitioner failed to return, the FIR. In the FIR, itself, the informant has made statement that the car is having GPRS system.

4. On the basis of the said GPRS, the location of the car was known to the police who seized the vehicle and as per the submission of the learned counsel for the informant, the vehicle has now with him.

5. Learned counsel for the petitioner submits that due to confusion, the entire prosecution story came into existence. He had no intention the cheat the informant, now he has to face the trial, he do not have criminal antecedent.

6. Learned counsel for the informant on the other submits that though the police recovered/seized the vehicle and handed it over to him, he has faced the trauma as the payment was also been not made to the Bank for which he received notices.

7. Though, it is unfortunate that the petitioner tried to cheat the informant and took away the vehicle, now that the vehicle is with the informant, he do not have criminal antecedent, FIR lodged and ultimately he will be facing the trial, this Court is inclined to extend him the privilege of anticipatory



bail.

8. 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 Warisnagar P.S. Case No. 203 of 2023 to the satisfaction of learned Judicial Magistrate-1st Class, Samastipur 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 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 co-operate in the investigation and make himself available to the police as and when required;

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



(v) 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;

(vi) 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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