

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69021 of 2024

Arising Out of PS. Case No.-35 Year-2024 Thana- Shahpur P.S. District- Nawada

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Dipu Singh @ Bhim Singh @ Diku Singh S/o- Late Devendra Singh Village-
Mahrath, P.S.- Shahpur, Dist.- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Usha Kumari 1

For the Opposite Party/s : Mr. Ajeet Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Sahpur P.S. Case No. 35 of 2024, F.I.R. dated 03.6.2024 registered for the offences punishable under Sections 147, 149, 341, 323, 307, 332, 353, 504, 506, 379 and 411 of the Indian Penal Code.

3. As per FIR, after receiving secret information that six tractors were carrying illegal sand, the informant along with his team reached at the alleged place and seized all tractors.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. The allegation levelled in the F.I.R. is false and fabricated and the petitioner has not committed any offence. Therefore, from the F.I.R. it appears that on the basis of secret information, petitioner has been



implicated in the present case. He further submits that the co-accused persons who happens to be the owner of the said tractors have been granted anticipatory bail by this Court vide order dated 01.10.2024 passed in Cr. Misc. No. 64640 of 2024 and co-accused Rohit Kumar @ Rohit Yadav @ Rohit Kumar Yadav has been granted anticipatory bail by a coordinate Bench of this court vide order dated 23.10.2024 passed in Cr. Misc. No. 71407 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts that the petitioner is having clean antecedent, he is neither the owner nor the driver of the seized vehicle in question, his name has been transpired on the basis of secret information and similarly co-accused persons have already been granted anticipatory bail by this Court vide order dated 01.10.2024 passed in Cr. Misc. No. 64640 of 2024, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of court of learned A.C.J.M., Nawada in connection



with Sahpur P.S. Case No. 35 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) 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.

(2) If the petitioner tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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)

Ranjeet/-

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