

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75446 of 2024

Arising Out of PS. Case No.-445 Year-2023 Thana- DINARA District- Rohtas

Nirhu Kumar @ Shatrudhan Kumar @ Satrudhn Kumar S/O Ramekbal
Choudhary Resident of Village- Chamraha, P.S- Dinara, Distt.- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyapal Singh, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-12-2024 Heard Mr. Satyapal Singh, learned counsel for the
petitioner and Mr. Tapeswar Sharma, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Dinara P.S. Case No. 445 of 2023, F.I.R. dated 08.09.2023 registered for the offences punishable under Section 395 of the Indian Penal Code and later on Section 412 of the Indian Penal Code was added.

3. The F.I.R. of the occurrence of dacoity is against unknown.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the F.I.R. was instituted against unknown persons and the name of the petitioner has been transpired on the basis of confessional



statement of co-accused persons namely Vikash Kumar and Nirhu Kumar and nothing has been recovered from the conscious possession or the house of the petitioner rather the recovery has been made from other co-accused person. He further submits that similarly situated co-accused person namely Duleshwar Kumar has been granted the privilege of anticipatory bail by this Court vide order dated 14.03.2024 passed in Cr. Misc. No. 17892 of 2024, another co-accused person namely Babundra Kumar has been granted the privilege of anticipatory bail by this Court vide order dated 20.07.2024 passed in Cr. Misc. No. 45729 of 2024.

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

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of confessional statement of co-accused as well as similarly situated co-accused persons have been granted the privilege of anticipatory bail by this Court, 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 learned Chief Judicial Magistrate, Rohtas, Sasarm



in connection with Dinara P.S. Case No. 445 of 2023, 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 tampers 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)

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