

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80946 of 2023

Arising Out of PS. Case No.-578 Year-2021 Thana- DHAKA District- East Champaran

Kumar Gaurav @ Gaurav Kumar Son Of Raj Kishore Sah Resident Of
Village - Hanuman Nagar, P.S. - Dhaka, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-01-2024 Heard Mr. Sanjay Kumar, learned counsel for the

petitioner and Mr. Tarun Prasad Mandal, learned APP for the

State.

2. The petitioner is apprehending his arrest connection with Dhaka P.S. Case No. 578 of 2021, F.I.R. dated 30.11.2021 registered for the offences punishable under Sections 457, 380 of the Indian Penal Code.

3. The prosecution case, in brief, is that on 29.11.2021 the informant was not present in his house only his grand mother was there in the house and on 30.11.2021 in the morning he came to his house and saw that lock of main gate was broken and in the house also lock was broken, lock of Godrage was also broken and accused person took away cloths, ornaments, laptoh etc total worth Rs. 3,00,000/-. It is further



alleged that his cousin brother Praful Kumar told that in the night of 12 O'Clock his villager Santosh Thakur was seen near his house.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that in fact 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 person namely Santosh Thakur and except the confessional statement of co-accused, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence.

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, 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 S.D.J.M. Sikarahana, East Champaran, Motihari in connection with Dhaka P.S. Case No. 578 of 2021, 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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