

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81472 of 2023

Arising Out of PS. Case No.-1151 Year-2022 Thana- BIHTA District- Patna

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Banshi Sao @ Banti Kumar Son Of Ashok Sao R/O Village- Dilawarpur, P.S.-
Bihta, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Jha, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

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

petitioner and Mr. Kalyan Shankar, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Bihta P.S. Case No. 1151 of 2022, F.I.R. dated
03.11.2022 for the offences punishable under Section 379 of the
Indian Penal Code.

3. According to prosecution case, the tractor of the
informant bearing registration No. BR-01GF-4374 is said to
have been stolen by some unknown persons.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He submits that petitioner is not named in the FIR
and on the basis of the confessional statement of the co-accused,
namely, Sarvan Pandit the name of the petitioner has been



transpired in this case. He further submits that except the confessional statement of the co-accused person no other cogent material has come during the investigation to suggest the involvement of the petitioner in the present case.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of 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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-I, Danapur in connection with Bihta P.S. Case No. 1151 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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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