

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82456 of 2024

Arising Out of PS. Case No.-45 Year-2022 Thana- SINGHESHWAR District- Madhepura

Barun Kumar @ Manit Kumar Son of Raj Kishore Chauhan @ Raj Kishor
Chauhan R/O Village- Budhabe, P.S- Singheshwar, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms.Bhagyashree Raj, Advocate
	:	Ms.Kumari Rashmi, Advocate
For the Opposite Party/s	:	Mr.Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-12-2024 Heard Ms.Bhagyashree Raj, learned counsel for the
petitioners and Mr.Dilip Kumar No. 1,learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Singheshwar P.S.Case No.45 of 2022,FIR
dated 01.03.2022 registered for the offences punishable under
Section 379 of IPC.

3. The FIR of the occurrence of theft is against
unknown.

4. Learned counsel for the petitioner submits that
the petitioner has falsely been implicated in the present case.
Petitioner is not named in the FIR. The name of the petitioner
has been transpired during investigation on the basis of the



confessional statement of co-accused person, namely, Ravi Kumar and except the aforesaid, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and co-accused person, namely, Bipin Kumar @ Bipin Kumar Chauhan, against whom the similar allegation, has been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 01.10.2024 passed in Cr. Misc. No.64311 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the name of the petitioner has been transpired during investigation on the basis of the confessional statement of co-accused and apart from that, the petitioner carries five more cases other than the present one but fairly submits that the petitioner is on bail in all the cases, as mentioned in para-3 of the anticipatory bail petition.

6. Considering the aforesaid facts, petitioner is not named in the FIR and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of co-accused person, 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 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Madhepura in connection with Singheshwar P.S.Case No.45 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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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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