

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2086 of 2024

Arising Out of PS. Case No.-167 Year-2023 Thana- KHANPURA District- Samastipur

Vikash Ray @ Vikash Kumar Ray Son Of Brahamdev Yadav Resident Of
Village- Sedukha, Tole Mananpur, P.S.- Khanpur, District- Samastipur
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate
Mr. Pravin Kumar, Advocate
For the Opposite Party/s : Mr. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-04-2024 Heard Mr. Pramod Kumar Singh, learned counsel
for the petitioner, learned counsel appearing on behalf of the
informant as well as Ms. Gulnar Begum, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Khanpur P.S. Case No. 167 of 2023, F.I.R.
dated 18.06.2023 for the offences punishable under Sections
341, 323, 420, 385, 387, 504, 34 of the Indian Penal Code.

3. According to prosecution case, all the accused
persons including this petitioner have taken Rs. 9,80,000/- from
the informant in order to allot Gas Agency in favour of the
informant but did not do so and when the informant asked to
return his money then all the accused persons have threatened
him.

4. Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case. He further submits that the informant has alleged in the F.I.R that the petitioner has taken Rs. 9,80,000/- for the purpose of allotting Gas Agency to the informant. He further submits that from perusal of the F.I.R it appears that the informant has not mentioned anywhere in the F.I.R that on which date he has paid the amount in question to the petitioner.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner has taken loan from the village in order to pay the said amount to the petitioner and apart from that the petitioner carries four criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in all the four cases.

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 Judicial Magistrate 1st Class, Samastipur, District- Samastipur in



connection with Khanpur P.S. Case No. 167 of 2023, 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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