

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3521 of 2024

Arising Out of PS. Case No.-46 Year-2023 Thana- DIDARGANJ District- Patna

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1. Sanny Kumar S/o Vilash Ray @ Vilash Singh R/o Village- Nijampur, P.S.- Didarganj, Distt.- Patna
 2. Virat Kumar @ Kundan Kumar @ Kundan S/o Vilash Ray @ Vilash Singh R/o Village- Nijampur, P.S.- Didarganj, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-02-2024 Heard Mr. Bhola Kumar, learned counsel for the petitioners and Mr. Ram Naresh Ray, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Didarganj P.S. Case No. 46 of 2023, F.I.R. dated 09.02.2023 for the offences punishable under Section 436 of the Indian Penal Code.

3. According to prosecution case, the allegation against these petitioners is that due to some previous enmity they have set the informant's office on fire where several articles were burnt to ashes.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in



the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. He further submits that from perusal of the F.I.R it appears that only on the basis of suspicion the petitioners have been made accused in the present case. He further submits that the informant is not the eye witness of the alleged occurrence.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that there is specific allegation against these petitioners and apart from that the petitioner no.1 carries one criminal antecedent and petitioner no. 2 carries two criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioners are on bail in all the pending cases.

6. Considering the aforesaid facts and circumstances, let the petitioners, 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) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Patna City, District- Patna



in connection with Didarganj P.S. Case No. 46 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. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.
- ii. If the petitioners 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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