

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9741 of 2024

Arising Out of PS. Case No.-585 Year-2023 Thana- MOTIHARI TOWN District- East
Champaran

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Satyam Singh @ Satyam Kumar Son of Surendra Pratap Singh, r/o New
Gopalpur, Ward No 33, P.S.- Motihari (Town), District East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-02-2024 Heard Mr. Bimlesh Kumar Pandey, the learned counsel

for the petitioner and Mr. Shyam Kumar Singh, the learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Motihari (Town) PS Case No. 585 of 2023, FIR
dated 31.08.2023, registered for the offences punishable under
Sections 447, 341, 323, 353, 504 and 506 of the Indian Penal
Code.

3. According to prosecution case, one Satyam Singh,
partner of M/s Rudra Enterprises abused and attacked the
informant for non-payment of his work. It is further alleged that
Satyam Singh, who is the petitioner in this case, tore official
papers the threatened the informant with dire consequences.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been implicated

in the present case. He further submits that upon perusal of the FIR, it appears that the time of occurrence as alleged in the FIR is about 09:00 PM in the office of the informant. He further submits that the present FIR is instituted only to save the skin of the informant because the informant has demanded some amount for clearing the bills of the petitioner and the petitioner has not paid the same and informed the higher authority, so the informant has filed the present false and fabricated case against the petitioner. He further submits that upon perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 29.08.2023, but the FIR is instituted on 31.08.2023, after a delay of two days without giving any explanation for the delay.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and there is a delay of two days in lodging of the FIR without giving any explanation, let the petitioner, above-named, in the event of his arrest or surrender before the Court below, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 Chief Judicial Magistrate, Motihari,

East Champaran, where the case is pending in connection with **Motihari (Town) PS Case No. 585 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the 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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