

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6610 of 2020

Arising Out of PS. Case No.-628 Year-2019 Thana- PURNEA SADAR District- Purnia

1. Santosh Kumar @ Rahul Raj, Son of Sri Rajdev Rai, Resident of Village - Lakshmipur, P.S.- Patepur, Dist.- Vaishali.
2. Manish Kumar, Son of Sri Rajdev Rai, Resident of Village - Lakshmipur, P.S.- Patepur, Dist.- Vaishali.
3. Amod Kumar, Son of Anup Lal Rai, Resident of Village - Simrawan, P.S.- Patepur, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Sanjeev Kumar Jha, Advocate
For the S t a t e	:	Smt. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 29-05-2020 The matter has been listed today for consideration through video conferencing in view of the nationwide lockdown on account of COVID-19 pandemic.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in connection with Purnea Sadar P.S. Case No.628 of 2019 instituted for the offence



punishable under Sections 406, 420 and 34 of the Indian Penal Code.

There were some vacancies of Village Teachers and Block Co-ordinators. Students, including the informant, applied on-line for the posts in question.

It is the case of the prosecution that the informant and others received calls from two mobile numbers asking them to attend the interview with all relevant documents. On reaching the designated place, the accused persons took Rs.3500/- and Rs.2500/- on the pretext of facilitating appointment as Block Co-ordinators and Village Teachers respectively. Subsequently, the informant and others came to know that they have been duped by the petitioners, whereafter the present F.I.R. has been lodged.

It is submitted by the petitioners' counsel that under a misconception and on extraneous considerations, the petitioners have been implicated. Originally, 15 persons had signed the allegations against the accused persons. Subsequently, 11 out of 15 have disowned the allegations. Petitioner No.1 actually runs an N.G.O. and it is a case of false implication. Petitioner Nos.2 and 3 have no concern even with the N.G.O. and only by virtue of their relationship with



Petitioner No.1, they have been implicated in this case, though they have no criminal antecedents. Petitioner No.1 was earlier an accused in another case of similar nature, namely, Kishanganj P.S. Case No.565 of 2019, wherein he has been enlarged on bail. The recovery of Rs.33,000/- and non-judicial stamp papers from their custody by no stretch of imagination can be said to suggest that they have committed the offence as alleged in the F.I.R. The petitioners are said to be in custody since 18.12.2019.

Learned APP for the State has opposed the prayer for bail. She submits that in view of the recovery in course of the investigation, the petitioners are not entitled to the grant of bail.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for bail.

Accordingly, let all the three petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea, in connection with Purnea Sadar P.S. Case No.628 of 2019, subject to the following conditions:

- (i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is



related with the petitioners concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.

- (ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

It is further made clear that during currency of the nationwide lockdown due to COVID-19 pandemic, requirement of furnishing bail bonds and conditions shall remain suspended and the petitioners be released on executing and furnishing their personal bond to the satisfaction of the court concerned.

The petitioners must comply with the requirement of furnishing bail bonds and conditions in terms of this order within four weeks after normal working resumes, failing which bail granted under this order shall stand cancelled and petitioners shall be liable for the consequences thereof in accordance with law.

Let this order be communicated, without any delay, to the court of learned Chief Judicial Magistrate, Purnea and the competent authority of the State in terms of clause (3) i of Notice II published in the Cause List uploaded on the website of



the Patna High Court.

(Madhuresh Prasad, J)

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