

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3469 of 2021**

Arising Out of PS. Case No.-402 Year-2020 Thana- BUXAR District- Buxar

RAHUL KUMAR Son of Haribans Jaiswal @ Hariwans Jaiswara Resident of
Village- Bhopalpur, P.S.- Gambhirpur, District- Azamgarh, U.P.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey, Advocate
For the Opposite Party/s : Mr. Kalyan Shankar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 09-04-2021 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Kalyan Shankar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Buxar Nagar P.S. Case No. 402 of 2020
registered for the offence punishable under Section
406/420/120(B) of the Indian Penal Code.

Learned counsel for the petitioner submits that as per
prosecution story, while the informant was on patrolling duty
got secret information that some dispute has occurred at SBI
ATM. The informant reached there and apprehended two



persons from whom recovery of mobile phones and ATM Cards have been made and on disclosure of apprehended persons the petitioner was also apprehended and from his possession two ATM Cards and one mobile phone have been recovered. It is alleged that the accused persons are involved in fraudulent act of exchanging the ATM Cards at the ATM Centres.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that similarly situated co-accused Subham Gond and Sumant Yadav have already been released on bail by learned co-ordinate Bench of this Court and the petitioner has remained in jail since 15.09.2020 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein learned A.P.P. for the State is unable to controvert the submission of learned counsel for the petitioner that his case is similarly situated with the co-accused Subham Gond and Sumant Yadav who have already been released on bail by learned co-ordinate Bench of this Court, the petitioner has remained in jail since 15.09.2020, investigation against him is complete , charge has been framed and the petitioner is ready to



abide by such terms and conditions which may be imposed by this Court for securing his appearance in course of trial, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Buxar Nagar P.S. Case No. 402 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that one of the bailors of the petitioner would be a permanent resident of the State of Bihar having sufficient immovable property and the petitioner shall appear in course of trial on each and every date fixed in the



matter. Two consecutive defaults in putting appearance shall invite action towards cancellation of bail by learned court below itself.

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.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

