

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12676 of 2022

Arising Out of PS. Case No.-174 Year-2018 Thana- NAYA RAM NAGAR District- Munger

Subodh Kumar, Son of Jagdish Mahto Resident of Village - Bhatta, P.S. -
Dhara Roh, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Uttam Kumar, Son of Bhagwat Mandal Resident of Village - Gadhi, P.O.-
Nawagadhi, P.S. - Naya Ram Nagar, District - Munger.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shambhu Kumar

For the Opposite Party/s : Mr. Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 17-08-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Complaint Case No. 277 of 2018, giving rise to Naya

Ramnagar P.S. Case No. 174 of 2018 (G.R. No. 2316 of

2018), registered for the offences punishable under Sections

420, 467, 468 and 120(B) of the Indian Penal Code.

As per allegation, the petitioner along with his

associates, namely, Abhay Kumar @ Ranjeet Rana and

Gopal Kumar have cheated the complainant and three other

persons by taking Rs. 20,00,000/- promising to give



them employment.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the main evidence of the alleged offence is C.D. which has been found blank when it was verified by Police. He further submits that the petitioner has no concern with the alleged offence and nothing has been recovered from his conscious possession. He further submits that one of the co-accused, Abhay Kumar @ Ranjeet Rana has already been enlarged on bail by the Court below itself. He also submits that the petitioner has been languishing in jail since 13.08.2021 i.e. for more than one year.

It is also stated in paragraph no. 2 of the petition that the petitioner has moved earlier before this Court for grant of anticipatory bail *vide* Cr Misc. No. 11216 of 2018.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State opposes the prayer for bail.



Considering the aforesaid facts and circumstance, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.- 1st, Munger, in connection with Complaint Case No. 277 of 2018, giving rise to Naya Ramnagar P.S. Case No. 174 of 2018 (G.R. No. 2316 of 2018), on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner 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.

(iv) In case, it is brought to the notice of the court



below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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