

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66112 of 2021**

Arising Out of PS. Case No.-386 Year-2021 Thana- CHAPRA TOWN District- Saran

Rajan Kumar @ Rajan Kr Singh, Son of Rajesh Kumar Singh Resident of
Village - Daulatganj, Police Station - Bhagwanbazar, District - Chapra At
Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate
	:	Mr. Sanjeev Kumar
	:	Mr. Kumar Rajdeep
	:	Mr. Ashish Kumar Singh
For the Opposite Party/s	:	Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

6 14-11-2022 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with
Chhapra Town P.S. Case No. 386 of 2021, registered for the
offences punishable under Sections 419, 420, 467, 468,
469, 120(B) and 34 of Indian Penal Code.

The prosecution case as emerging from the FIR is
that the informant has paid Rs. 71,95,520/- (seventy one
lakh, ninety five thousand, five hundred and twenty) in three
different accounts of three persons, namely, Bachcha Babu
Mistry, Sumit Singh Vijay and Vikas Kumar at the instance



of accused-petitioner for issuance of dealership of petrol pump. However, admittedly no payment has been made to the accused petitioner, Rajan Kumar.

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 petitioner has never been made such representation to the informant that he can ensure the issuance of the dealership of a petrol pump if he makes payments to the co-accused persons. He also submits that the allegation of the informant is not reliable because informant himself is a wrong-doer intending to bribe the State functionaries. He further submits that investigation in this case is complete, charge-sheet has already been submitted and even charge has been framed, separating the trial of the petitioner from other co-accused. He further submits that all the offences alleged are triable by Magistrate and trial is going on in Court of Magistrate.

The petitioner has been languishing in jail since 20.09.2021.

It is also stated in paragraph no. 2 of the petition



that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

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

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail submitting that he is the main person at the instance of whom payment has been made to other accused.

Considering the aforesaid facts and circumstances, particularly, the fact that no payment has been made to the present accused-petitioner, 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 Ld. Court of Chief Judicial Magistrate, Saran at Chhapra in connection with Chhapra Town P.S. Case No. 386 of 2021, 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, if any, 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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