

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29888 of 2023**

Arising Out of PS. Case No.-726 Year-2011 Thana- NAGAR District- Vaishali

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SUSHIL KUMAR SON OF RAJENDRA RAM @ RAJENDRA DAS  
Resident of Village-Husaina Bujaurg, PS-Goraul, Dist-Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Dinesh Jha  
For the Opposite Party/s : Mr.Anand Kishore Choudhary

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      13-06-2023                      Learned counsel for the petitioner is permitted to  
  
make necessary correction in para 11 of the petition filed on  
  
behalf of the petitioner.

Heard learned counsel for the petitioner and learned  
  
A.P.P. for the State.

The petitioner seeks bail in connection with Hajipur  
  
Town P.S. Case No. 726 of 2011 registered for the offences  
  
punishable under Sections 406, 420, 467, 468, 471, 120(B), 34  
  
of the Indian Penal Code.

As per prosecution case, the informant alleged that  
  
one Suman Kumar consulted her in 2007 and introduced himself  
  
as an agent of Sahara India and gave proposal to fix money in



Fixed Deposit Scheme of Sahara India. After believing on the words of Suman Kumar, the informant gave him a total of Rs. 10 lakhs to be deposited in the Scheme of Sahara India from the year 2007 onwards. On 26.11.2011, when the informant showed the documents relating to the Fixed Deposit Scheme to Manager of Sahara India, then the Manager of Sahara India told the informant that her documents were fake and no money had been deposited in the company. It is further alleged that petitioner is one of the accused who are involved in the said racket.

Learned counsel for the petitioner submits that there is specific role assigned to the co-accused Suman Kumar who has also accepted his responsibility to pay the said amount which was taken by him. It is further alleged that on the basis of the said responsibility the bail has been granted to the co-accused Suman Kumar by the co-ordinate Bench of this Court vide Cr. Misc. No. 12249 of 2012 and there is no specific iota of evidence available against the petitioner and on the basis of suspicion petitioner has been made accused in this case as he is the brother of co-accused Suman Kumar. He further submits that petitioner is in custody since 14.02.2023 and bears criminal antecedent of one case in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of



tampering with the prosecution evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – III, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 726 of 2011, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

**(Alok Kumar Pandey, J)**

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