

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41093 of 2023

Arising Out of PS. Case No.-272 Year-2021 Thana- JADIA District- Supaul

Binod Kumar S/O Harinandan Yadav R/O Village. Navdeehi, PS. Jadia, Dist. Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prafull Chandra Thakur, Advocate
For the Informant	:	Mr. Rajesh Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-08-2023 Heard learned counsel for the petitioner, learned counsel appearing on behalf of the Informant and learned APP for the State.

2. Petitioner seeks bail, who is in custody since 04.01.2023, in connection with Jadia P.S. Case No. 272 of 2021, F.I.R. dated 20.12.2021 registered for the offences punishable under Sections 467, 468, 406, 409 of the Indian Penal Code.

3. The allegation is regarding the accused persons including the petitioner, having engaged in fraudulently adding the name of residents of Guriya Panchayat, under the Chief Minister Old Age Pension Scheme, by changing their date of birth in their Aadhar Card with the motive of fraudulently getting the pension amount sanctioned and then swindling the same. It is further alleged that the petitioner and other accused persons



were preparing forged documents by using computer etc. and had withdrawn a huge sum of money from the Government account in a fraudulent manner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that from a bare perusal of the F.I.R. it appears that there is no specific allegation attributed against the petitioner rather there is general and omnibus allegation against the accused persons including the petitioner and it appears from the F.I.R. that the petitioner or the other accused persons had not received any amount from the informant and no case is made out against the petitioner under Sections 406, 409, 467, 468 of the Indian Penal Code and the allegation as alleged in the F.I.R. not supported by any documentary evidence. He further submits that co-accused persons namely Bikash Kumar, Subhash Kumar, Ramballav Kumar @ Ramballav Yadav and Samod Kumar has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 14.07.2023 passed in Cr. Misc. No. 30732 of 2023, another co-accused persons namely Randhir Kumar and Bina Rani have been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 26.07.2023 passed in Cr. Misc. No. 34222 of 2023 respective. He further submits that the police after investigation submitted chargesheet



against the petitioner and the petitioner is in custody since 04.01.2023.

5. The learned counsel appearing on behalf of the Informant as well as learned Additional Public Prosecutor for the State, have vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries five more cases other than the present one but fairly submits from paragraph-3 of the petition that the petitioner is on bail in all the cases.

6. Considering the facts and circumstances of the case, 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 Chief Judicial Magistrate, Supaul in connection with Jadia P.S. Case No. 272 of 2021, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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.

(Rajesh Kumar Verma, J)

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