

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**CRIMINAL MISCELLANEOUS No.53923 of 2022**

Arising Out of PS. Case No.-67 Year-2014 Thana- RAJEPUR District- East Champaran

Arjun Kumar @ Arjun Kumar Rai Son of Brahmdeo Rai Resident of Village - Shobhita, P.s.- Rajepur, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rashmi Jha, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      17-02-2023                      Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Petitioner seeks bail in a case registered for the offences punishable under Section 387 of the Indian Penal Code.

According to prosecution case, the informant received a call on his mobile demanding Rs. 5,00,000/- as *rangdari* and threatened that if the said money is not paid, he would be killed.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of the confessional statement of the co-accused, namely, Umesh Kumar Rai. He further submits that no incriminating article has



been recovered from the house or possession of the petitioner and till date no T.I.P. has been conducted by the prosecution. He further submits that the case of the petitioner is better footing of the Umesh Kumar Rai. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused person, namely, Umesh Kumar Rai has been granted bail by a co-ordinate Bench of this Court vide order dated 11.05.2015 passed in Cr. Misc. No. 17453 of 2015, another co-accused person, namely, Chandan Kumar Yadav @ Chandan Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 06.03.2017 passed in Cr. Misc. No. 9999 of 2017. The petitioner is in custody since 28.06.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries four criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Rajepur P.S.



Case No. 67 of 2014, 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 witnesses, 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 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.

**(Rajesh Kumar Verma, J)**

Vanisha/-

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