

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51776 of 2022

Arising Out of PS. Case No.-46 Year-2022 Thana- FESHAR District- Aurangabad

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YUGAL KUMAR Son of Rajendra Yadav R/V- Maula Nagar, P.S- Fesar,
Dist- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 59419 of 2022

Arising Out of PS. Case No.-46 Year-2022 Thana- FESHAR District- Aurangabad

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JANESHWAR RAM SON OF LATE BHADAI RAM @ BHADAY RAM
Resident of Village- Manjhar, P.S- Fesar, District- Aurangabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 51776 of 2022)

For the Petitioner/s : Mr.Shailesh Kumar Singh, Adv.

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

(In CRIMINAL MISCELLANEOUS No. 59419 of 2022)

For the Petitioner/s : Mr.Rupa Kumari, Adv.

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 08-02-2023 Heard learned counsels for the petitioners and the

State.

The petitioners apprehend their arrest in connection

with Fesar P.S. Case No. 46 of 2022 instituted under Sections

420, 467, 468, 471, 120B of the Indian Penal Code.

The allegations against the two petitioners are that



they used forged document to issue sim no. 8969460608 and accordingly on the direction of Superintendent of Police, Aurangabad, the FIR was lodged.

Earlier learned counsels for the two petitioners jointly submitted that the said SIM no. 8969460608 and 9162952740 were issued only on the basis of genuine documents and at no point of time any forged document was put forward by them.

In view of the aforesaid submissions put forward by the respective counsels, on 16.1.2023 while granting interim protection to the two petitioners, namely, Yugal Kumar and Janeshwar Ram, they were directed to appear before the Office of Superintendent of Police, Aurangabad, on 31.1.2023 where the Investigating Officer will also be there along with the documents and the report of the development was to be provided to the Court by the Superintendent of Police, Aurangabad, in a sealed cover.

Pursuant thereto, report has been provided by the Superintendent of Police, Aurangabad, vide Letter No. 77 dated 2.2.2023.

From the aforesaid letter, it shows that the petitioner, Janeshwar Ram after taking interim protection of four weeks



chose to defy the order of the Court and did not appear before the Superintendent of Police, Aurangabad.

Learned counsel for the petitioner, Janeshwar Ram, upon being questioned the reason for his non-appearance had no answer inasmuch as the petitioner neither appeared before the Superintendent of Police, Aurangabad, nor provided any information to his counsel and considering the aforesaid attitude/conduct of the petitioner, Janeshwar Ram, this is not a fit case for extending him the privilege of anticipatory bail which is accordingly rejected.

So far as the petitioner, Yugal Kumar in Cr. Misc. No. 51776 of 2022 is concerned, in view of the fact that he diligently appeared along with all the documents before the Superintendent of Police, Aurangabad, and the Investigating Officer and the documents provided by him at the time of issuance of sim matched with his I.D.(Voter I.D. Card), this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner, Yugal Kumar in Cr. Misc. No. 51776 of 2022 be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like



amount each in connection with Fesar P.S. Case No. 46 of 2022 to the satisfaction of learned C.J.M., Aurangabad, subject to the conditions as laid down under Section 438(2) of the Cr.P.C and with further conditions :

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any



criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Ajay Singh/-

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