

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59499 of 2022

Arising Out of PS. Case No.-527 Year-2022 Thana- MADHEPURA District- Madhepura

Abhishek Kumar @ Abhishek Raj @ Bholu S/o Sri Shiv Kumar Sah Resident of village- Maharsi, Mehi Nagar, Ward No. 5, Nagar Parishad, Madhepura, P.S. and District- Madhepura

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Mr. Ramesh Kumar S/o Late Kari Lal Yadav Advocate, Resident of Ward No. 5, , Madhepura, P.S. and District- Madhepura

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 55077 of 2022

Arising Out of PS. Case No.-527 Year-2022 Thana- MADHEPURA District- Madhepura

Tarkeshwar Sahu @ Tarkeshwar Sah S/o Late Nathan Sahu Resident of Village- Parasmani, P.s.- Sarsi, District- Purnea.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 59953 of 2022

Arising Out of PS. Case No.-527 Year-2022 Thana- MADHEPURA District- Madhepura

Aman Raj @ Golu Son of Shiv Kumar Sah R/V- Maharshi Mehi Nagar (Ward No. 5) P.S and Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 59499 of 2022)

For the Petitioner/s : Mr. Amrit Abhijat, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

(In CRIMINAL MISCELLANEOUS No. 55077 of 2022)

For the Petitioner/s : Mr. Amrit Abhijat, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

(In CRIMINAL MISCELLANEOUS No. 59953 of 2022)

For the Petitioner/s : Mr. Manindra Kishore Singh, Advocate

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



CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-02-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

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

Petitioners seeks bail in a case registered for the offences punishable under Sections 409, 406, 420 and 34 of the Indian Penal Code.

According to prosecution case, the petitioners along with other named persons in the F.I.R. run an app known as “Daani Daata App” and induced the nephew of the informant to invest Rs. 10,00,000/- for which they will return him Rs. 15,00,000/- after completion of one month. On this ground, the nephew of the informant invested the said money, but after completion of one month when he asked the accused persons to return back the aforesaid money, the accused persons started threatening the informant and his nephew to implicate them in serious case if the demanded the aforesaid amount.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the



allegation as alleged in the F.I.R. is false and fabricated and no such occurrence took place. He further submits that they have filed compromise petition before the learned Chief Judicial Magistrate, Madhepura on 14.11.2022. He further submits that it transpire from the compromise petition that both the parties have settled the dispute. He further submits that no incriminating material has come during investigation against these petitioners. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioner nos. 1 and 3, namely, Abhishek Kumar @ Abhishek Raj @ Bholu and Aman Raj @ Golu are in custody since 10.06.2022., and petitioner no. 2, namely, Tarkeshwar Sahu @ Tarkeshwar Sah is in custody since 18.07.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Madhepura P.S. Case No. 527 of 2022, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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