

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67215 of 2022

Arising Out of PS. Case No.-245 Year-2022 Thana- KOTWALI District- Munger

RAJEEV KUMAR @ VIKASH KUMAR Son of Nityanand Singh R/V- Pain
(Tilakpur) P.S- Akbar Nagar, Dist- Bhagalpur (Wrongly mentioned his
address in the F.I.R. as at Sultanganj Pain, P.S- Sultanganj, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar,Advocate

For the Opposite Party/s : Mr.Nawal Kishore Prasad,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-03-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 419,420,467,468,120(B) of the Indian
Penal Code.

As per prosecution case, the petitioner and co-
accused Anish Kumar were apprehended due to their suspicious
activities during registration of the candidates for appointment
of Homeguard. Co-accused Manish Kumar is alleged to have
tried to change batch number of co-accused Anish Kumar and it
is found that he has taken money for appearing on behalf of the
co-accused so that the co-accused could qualify in the physical
examination.



Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. Further submits that the occurrence as alleged in the FIR is false and fabricated. Further submits that the petitioner was not involved in the present occurrence and the petitioner was not present at the time of occurrence as alleged in the FIR. The name of the petitioner has been transpired on the basis of the disclosure made by co-accused, namely, Anish Kumar. Further submits that as per allegation, co-accused Anish Kumar was talked with this petitioner for setting the Manish Kumar to appear in place of the petitioner in the selection process on account of illegal money. Further submits that except this, no other cogent material has come during investigation against the petitioner and the similarly situated co-accused namely, Anish Kuamr has been granted bail by a Coordinate Bench of this Hon'ble Court vide order at Annexure-2 to this bail petition and another co-accused, namely, Manish Kumar has also been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 18.01.2023 passed in Cr. Misc. No. 42976 of 2022 by a Coordinate Bench of this Hon'ble Court and the police, after investigation, submitted chargesheet against the petitioner and



the petitioner is in custody since 06.09.2022.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts, 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 learned court below where the case is pending in connection with Kotwali P.S. Case No. 245 of 2022, with 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/her absence on two consecutive dates without sufficient reason, his/her 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)

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