

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71538 of 2022**

Arising Out of PS. Case No.-26 Year-2022 Thana- PHULWARIA District- Begusarai

Prem Kumar Son Of Markanday Das R/O Village- Baro Munshi Tola, P.S.-
Phulwaria, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Prakash Singh, Advocate

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

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

3 11-05-2023 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 who is in custody since
04.09.2022 in connection with Phulwaria P.S. Case No. 26 of
2022, F.I.R. dated 08.02.2022 for the offences punishable under
Sections 406, 420, 323, 504, 506 and 120(B) of the Indian Penal
Code.

According to prosecution case, the petitioner along
with other accused person formed a gang of cheaters who used
to cheat family members of Railway staff. It is further alleged
that they cheated the informant and when the informant got to



know about this, he demanded his money back. It is further alleged that all the accused person abused the informant and his father and also assaulted them.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case merely on the ground that the petitioner is the witness of the partnership deed in question and he has not received any amount as alleged in the F.I.R. He further submits that it appears from the bank details of the petitioner that the petitioner had not withdrawn the amount of Rs. 2 lakh as mentioned in the F.I.R. He further submits that the present F.I.R. has been instituted after the delay of 4 years. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused persons, namely, Aman Kumar and Naveen Kumar have been granted bail by the lower Court below vide order dated 25.02.2022. The petitioner is in custody since 04.09.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent 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 Chief Judicial Magistrate, Begusarai in connection with Phulwaria P.S. Case No. 26 of 2022, 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)

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