

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.73393 of 2022**

Arising Out of PS. Case No.-131 Year-2014 Thana- RAJEPUR District- East Champaran

Arjun Kumar @ Arjun Kumar Rai Son of Brahmdeo Rai R/V- Shobhitapur  
P.S- Rajepur, Dist- East champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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

3      18-05-2023                      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  
28.06.2022 in connection with Rajepur P.S. Case No. 131 of  
2014, F.I.R. dated 15.12.2014 for the offences punishable under  
Sections 420, 467, 468 and 471 of the Indian Penal Code.

According to prosecution case, the informant runs a  
shop of SIM cards and recharge coupon. The informant alleged  
that he sold a SIM in the name of Rajkumar but later on he came  
to know that one Roshan, the accused person, impersonating  
himself of be Rajkumar, after forging the address, purchased the



SIM from which extortion was demanded.

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 during investigation on the basis of the confessional statement of the co-accused person, namely, Roshan Kumar and so far as the allegation alleged in the F.I.R. is concerned, the same is not with respect to the petitioner rather it is with respect to the co-accused person. He further submits that except the confessional statement of the co-accused person, namely, Roshan Kumar, no cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and the case mentioned in paragraph 3 of the bail petition was transpired on the basis of the confessional statement of the co-accused. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Chandan Kumar Yadav @ Chandan Yadav has been granted bail by a Co-ordinate Bench of this Court vide order dated 10.05.2017 passed in Cr. Misc. No. 13393 of 2017 and another co-accused, namely, Roshan Rai @ Roshan Yadav @ Roshan Kumar Yadav has been



granted bail by a Co-ordinate Bench of this Court vide order dated 03.07.2015 passed in Cr. Misc. No. 20098 of 2015. 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 3 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 Sub Divisional Judicial Magistrate, Sikarhana at Dhaka, East Champaran in connection with Rajepur P.S. Case No. 131 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)**

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