

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6552 of 2024

Arising Out of PS. Case No.-298 Year-2023 Thana- RAXAUL District- East Champaran

1. Sonu Kumar Son Of Birendra Das @ Birendra Kumar Das R/O-Bada Pareuwa, Ward 17, P.S.-RAXAUL, Distt.-EAST Champaran, Bihar
2. Monu Kumar @ Abhimanyu Kumar Son Of Birendra Das @ Birendra Kumar Das R/O-Bada Pareuwa, Ward 17, P.S.-RAXAUL, Distt.-EAST Champaran, Bihar
3. Birendra Das @ Birendra Kumar Das @ Virendra Das Son Og Mohan Das R/O-Bada Pareuwa, Ward 17, P.S.-RAXAUL, Distt.-EAST Champaran, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-03-2024 Heard Mr. Dhananjay Kumar, learned counsel for the

petitioners and Mr. Sanjay Kumar Singh, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Raxaul P.S. Case No. 298 of 2023, F.I.R. dated 23.06.2023 for the offences punishable under Sections 420, 406 and 34 of the Indian Penal Code and Section 138 of the NI Act.

3. According to prosecution case, petitioners along with others are said to have indulged in dealing with the land and they have taken Rs. 8,55,000/- from the informant as consideration amount of 3 *dhur* land and took possession over the land and thereafter, the informant constructed boundary wall and fixed grill



gate and locked, but the accused persons sold the said land to another person.

4. 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 from a bare perusal of the FIR it appears that co-accused has issued a cheque of Rs. 9,95,000/- in favour of the informant and petitioners have no concern at all with the alleged occurrence and they have not received any amount from the informant and during investigation in para-27 of the case diary that the police has prima facie found no case is made out against these petitioners and no case is made out under Section 138 of the N.I. Act because the petitioners have not issued any cheque in favour of the informant.

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

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., East Champaran at Motihari in connection with Raxaul P.S. Case No. 298 of 2023, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. 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 bonds 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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