

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14555 of 2024

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

1. Rajendra Das @ Arvind Kumar Das S/O Shiv Parsan Das @ Shiv Prasanna Das Resident Of College Road Raxaul, P.S.- Raxaul, Dist.- East Champaran.
2. Shiv Parsan Das @ Shiv Prasanna Das S/O Late Ram Ratan Das Resident Of College Road Raxaul, P.S.- Raxaul, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-03-2024 Heard Mr. Surendra Kishore Thakur, learned counsel
for the petitioners and Mr. Bhanu Pratap Singh, learned APP 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 registered for the offences punishable under
Sections 406, 420 of the Indian Penal Code and Section 138 of
the N.T. Act.

3. Allegation against the accused persons is that
they along with other co-accused persons are indulged in
dealing with the land and they have taken Rs. 8,55,000/- from
the informant as consideration amount of 03 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 the petitioners are innocent and they have been falsely implicated in the present case merely on the ground that the petitioners are father and brother of co-accused person namely Ajay Kumar. He further submits that from perusal of the F.I.R. it appears that there is no accusation of any cheating or forgery attributed against these petitioners and co-accused Ajay Kumar who had issued a cheque in question in favour of the informant and in fact the petitioners are living separately from co-accused person namely Ajay Kumar since 2021. He further submits that co-accused persons namely Sonu Kumar, Monu Kumar @ Abhimanyu Kumar and Birendra Das @ Birendra Kumar Das @ Virendra Das have been granted the privilege of anticipatory by this Court vide order dated 21.03.2024 passed in Cr. Misc. No. 6552 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for anticipatory bail of the petitioners and submits that petitioners are named in the F.I.R. and apart from that the petitioners carry three more cases other than the present one.



6. Considering the aforesaid facts that petitioners are father and brother of co-accused person namely Ajay Kumar who had issued the cheque in favour of the informant, let the petitioners, above named, in the event of their 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 bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., East Champaran, 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 :-

(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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, 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 antecedents, 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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