

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20370 of 2024

Arising Out of PS. Case No.-616 Year-2023 Thana- BUXAR District- Buxar

Ashish Kumar @ Aashish Kumar SON OF Sanjay Kumar VILLAGE- Purana Chowk, Ward No. 25 Jai Muhalla Buxar, Police Station- Buxar, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Neerad Parashar, Adv.

For the Opposite Party/s : Mr. Suman Kumari Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-04-2024 Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner is apprehending his arrest in connection with Buxar (T) P.S. Case No. 616 of 2023 for the offence under sections 420, 467, 468 and 471 of the I.P.C. lodged on 07.11.2023 by the informant, Ashok Prasad Keshari.

3. As per the prosecution story, in course of checking relating to Ayushman Bharat Card at Buxar, a patient (Arun Kumar) was found at RDPL, Hospital with fake Ayushman Card. Upon enquiry, it was informed that he has procured the same after making a payment of Rs.2500/- from the CSC Centre of the petitioner. Accordingly, the informant too went to the place and it is alleged that after making payment of Rs.2500/-, the card was provided to him. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that though in the FIR it has been alleged that a fake Ayushman Card

was found with Arun Kumar, the same has not been named in the FIR. Neither he has been named as an accused nor any statement of his is on record. Further, all this development took place on 10.08.2023 but the FIR was lodged on 01.11.2023 which clearly shows that the petitioner has been implicated. The last submission is that he is running a CSC Centre where this Ayushman Bharat Card is not prepared.

5. Learned APP opposes the prayer stating that upon only after taking Rs.2500/- he is preparing Ayushman Bharat Card.

6. Considering the submissions put forward by the learned counsel for the petitioner and also the inordinate delay in lodging of the FIR despite the claim that the Ayushman Card was prepared immediately but date has not been given as to when it was prepared, the petitioner do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned C.J.M., Buxar, in connection with Buxar

(T) P.S. Case No. 616 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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