

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41024 of 2024

Arising Out of PS. Case No.-70 Year-2023 Thana- RAJGIR District- Nalanda

Vivek Kumar @Karu Kumar SON OF UMESH PRASAD VILLAGE-
NAHUB, PS- RAJGIR, DIST- NALANDA

... .. Petitioner/s

Versus

1. The State of Bihar
2. Prakash Kumar S/O Late Ramjee Prasad Resident Of Panchvati Nagar P.S.
Rajgir Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar No. I, Advocate
For the Informant	:	Mr. Akash Kumar Mishra, Advocate
For the State	:	Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 26-10-2024 Heard Mr. Anil Kumar No. 1, learned counsel for the

petitioner, Mr. Akash Kumar Mishra, learned counsel for the

Informant and Mr. Bharat Bhushan, learned APP for the State.

2. The petitioner is apprehending his arrest in
connection with Rajgir P.S. Case No. 70 of 2023, F.I.R. dated
05.02.2023 registered for the offences punishable under
Sections 419, 420, 406, 467, 468, 471, 341, 323, 506 and 34 of
the Indian Penal Code.

3. Allegation against the petitioner including co-
accused persons named in the complaint petition is to
impersonate Indu Devi and cheat Rs. 6,25,000/- from the
informant by selling the land on the basis of fake papers under a



conspiracy of all.

4. Learned counsel for the petitioner submits that the petitioner carries six more cases other than the present one in which he is on bail. He further submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that although there is specific allegation against the petitioner but after filing of the present case the petitioner has returned Rs. 4,25,000/- to the Opposite Party No. 2 namely Prakash Kumar.

5. Mr. Akash Kumar Mishra, learned counsel who has filed the Vakalatnama on behalf of Opposite Party No. 2 and submits that Opposite Party No. 2 has received the amount of Rs. 4,25,000/-. He further submits that he has received Rs. 2,00,000/- by way of cheque and Rs.2,25,000/- received as cash.

6. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Rajgir P.S. Case No. 70 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) 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 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 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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