

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68819 of 2025

Arising Out of PS. Case No.-91 Year-2025 Thana- RUPASPUR District- Patna

Rakesh Kumar Gop @ Rakesh Kumar @ Mannu Kumar, Male, aged about 32 years, Son of Late Nand Kishor Rai, Resident of Village- Ward No. 2, Parbegabad, P.S.- Sonpur, District- Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amit Kumar Pathak, Male Son of Sushil Kumar Pathak, Resident of House No.- R- A1/7, Shivpuri Fulwari, Behind A. N. College, L.B.S. Nagar, Patna, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anuj Kumar, Advocate
For the Opposite Party/s	:	Ms. Sucheta Yadav, APP
For the Informant	:	Mr. Samir Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

3 10-12-2025 Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.

2. The petitioner seeks bail in connection with Rupaspur P.S. Case No. 91 of 2025 instituted for the offences punishable under Sections 318(4), 338, 336(3), 316(2) and 3(5) of the BNS, 2023.

3. As per the prosecution case, it is a case of forgery and cheating committed to several persons who has taken loan from L & T Finance Company Limited.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case. He submits that the



petitioner is neither an employee of the Company nor the dealer but he is an agent. He further submits that as per the FIR, one Amrit Kumar in collusion with the co-accused Ranjan Kumar, sanctioned loan for tractors. He next submits that there is no evidence to show that the petitioner is involved in this occurrence. He lastly submits that all the named accused persons were given physical deliveries of the tractors and, thereafter, those tractors were handed over to one Ranjan Kumar but no such tractors have been recovered from the conscious possession of the petitioner. Petitioner is in custody since 07.07.2025.

5. Learned APP for the State and learned counsel for the informant opposed the prayer for bail of the petitioner.

6. From perusal of the FIR, case diary and impugned order of the learned Additional Sessions Judge-I, Danapur, Patna dated 28.08.2025, it appears that petitioner is named in the FIR and on the basis of written report of the informant, namely, Amit Kumar Pathak, FIR has been registered under Sections 318(4), 338, 336(3), 316(2) and 3(5) of the BNS against forty six accused persons including the present petitioner and the allegation is of forgery and cheating committed to several persons. It also appears that the delivery of all the tractors is



given to the present petitioner but during investigation, no recovery has been found from the conscious possession of the petitioner, investigation has been concluded and chargesheet has already been submitted in this case, so considering all these aspects of the case and submissions of learned counsel for the parties, I am inclined to grant bail to the petitioner.

7. Accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-II, Danapur, Patna in connection with Rupaspur P.S. Case No. 91 of 2025, subject to the condition that the petitioner shall physically present before the Trial Court on each and every date as fixed by the Trial Court till conclusion of the Trial.

(Ramesh Chand Malviya, J)

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