

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18322 of 2016

Arising Out of PS.Case No. -17 Year- 2016 Thana -MAUZAHDIPUR District- BHAGALPUR

1. Gopal Goyal @ Gopal Kumar Goyal @ Gopal Kumar Son of Chhabinath Sah @ Chhabbu Mandal Resident of Village- Laxmipur, PS Suryagarha, Distt Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.20128 of 2016

Arising Out of PS.Case No. -17 Year- 2016 Thana -MAUZAHDIPUR District- BHAGALPUR

1. Md. Parwej Ansari @ Parwej Akhtar Son of Saud Ansari Resident of Mohalla - Bari khanjarpur , P.S. Barari , District- Bahgalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.20894 of 2016

Arising Out of PS.Case No. -17 Year- 2016 Thana -MAUZAHDIPUR District- BHAGALPUR

- 1. Navin Kumar Sah @ Navin Kumar son of Sri Shiv Kumar Prasad, resident of village- Mundichak, P.s.- Tilka Manjhi in the district of Bhagalpur
- 2. Pawan Kumar @ Pawan Gupta, son of Sri Parmanand Gupta, resident of Mohalla- Purani Bazar, Lakhisarai, P.S.- Lakhisarai in the District of Lakhisarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :
(In Cr.Misc. No.18322 of 2016)
For the Petitioner/s : Mr. Prabhat Ranjan Singh
For the Opposite Party/s : Mr. Shailendra Kumar Singh(App)
(In Cr.Misc. No.20128 of 2016)
For the Petitioner/s : Mr. Arbind Kumar Singh

For the Opposite Party/s : Mr. Brajendra Nath Pandey (App)
(In Cr.Misc. No.20894 of 2016)

For the Petitioner/s : Mr. Prabhu Narayan Sharma

For the Opposite Party/s : Mr. Dr. Indivar Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 04-07-2016

All the Criminal Miscellaneous are of the same occurrence and as such have been heard together and are being disposed of by passing this common order.

Heard the learned counsel for the petitioners as well as the learned A.P.P for the State.

The petitioners seek bail in a case for the offences punishable under sections 420, 467, 468, 470, 471, 472 and 120 B of the I.P.C and sections 43, 66 © and 66 (D) of the I.T. Act.

Allegedly, the police team of ATS Bihar, Patna came to Mozahidpur police station and informed that one person, namely, Jitendra Kumar and his associates have connection with Pakistan and Saudi Arabia and they are involved in cheating and transferring the money through hawala and accordingly on the basis of the confidential information received that Jitendra Kumar and his associates are connected with the districts Lakhisarai and Banka etc. and the petitioners and others are involved in cheating the innocent people and after opening fake accounts and getting ATMs and after misusing the codes, SMS, Whatsapp and Email



are transferring the money to the Pakistani Agents by using android mobile phones, laptop, computer and local café and then Jitendra Kumar, Pawan Kumar, Nawin Kumar with one motorcycle were apprehended and during enquiry admitted that they are in connection with the cheater of Pakistan and after search several incriminating articles including several ATM cards of different Banks, cash, withdrawal slip etc. were recovered besides mobiles containing number of Pakistan and the SMS sent to Pakistan and for that they did not give satisfactory reply.

Submission is of false implication and that the petitioners have been made victims of the circumstances, nothing has been recovered from their conscious possession, only on the basis of the police statement they have been made accused, there is no legal and tangible material against them, the ATM cards have not been verified, without conducting proper investigation charge sheet has already been submitted and only on suspicion that they have talked to the number of Pakistan, charge sheet has been submitted and the investigation has been completed which is evident from paragraphs- 91 and 94 of the case diary.

The learned A.P.P. opposes prayer for bail by submitting that in the mobile Pakistani number is saved. It also reveals that SMS was also sent to Pakistan. Gopal Goel and

Pawan Kumar have got criminal antecedents.

In the facts and circumstances as stated above, considering that the investigation has already been completed and there is no chance of tampering with the prosecution evidence and as such the petitioners are directed to 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 C.J.M. Bhagalpur in Mozahidpur P.S. Case No. 17 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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