

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27214 of 2016

Arising Out of PS.Case No. -55 Year- 2016 Thana -AIRPORT District- PATNA

Sunny Kumar S/o Ramesh Mehta, Resident of Village- Manpur Danapur
Cant., P.S.-Danapur, District-Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner : Mr. Bibhakar Tiwary, Advocate
Ms. Kumari Jyoti, Advocate
For the State : Mr. Jai Narain Thakur, APP
For the Informant : Mr. Sanjeev Kumar Mishra, Advocate

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 09-11-2016 Heard learned counsel for the petitioner and the

learned counsel for the informant as well as the learned

counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in
connection with Hawaii Adda P.S. Case No.55 of 2016 for
allegedly having committed the offence under Sections 418,
420, 464, 468, 469 and 120B of the Indian Penal Code.

Diary in the present case was called for, which has
since been received.

Learned counsel for the petitioner submits that the
allegation has been made against the petitioner for having
caused wrongful gain to three dealers of COMFED by using



the password of the computer of the COMFED. Learned counsel for the petitioner further submits that such an allegation has been made only on the basis of speculation as apart from him, other persons were also using the same computer. It is further submitted that be that as it may, it was open to the authority to revert back the transactions from the credit to debit column by means of same computer as the beneficiaries of the petitioner were continuously transacting the business with the COMFED. It is further submitted that a similarly situated co-accused Aditya Kumar Singh @ Bablu @ Bablu Singh has been extended the privilege of anticipatory bail in Cr.Misc. No.23278 of 2016, vide order dated 28.07.2016

Learned counsel for the informant, however, submits that he has preferred cancellation application against the petitioner of said Cr. Misc. No.23278 of 2016. However, considering the entire facts and circumstances, it does not appear that the petitioner, who is also using the same computer along with other staff of the COMFED, as has been detailed in paragraphs 5, 6 and 16 of the diary, can be equated and considered to be exactly similarly situated as the petitioner of the said case.

Having considered the rival submissions and also upon considering the fact that a similarly situated co-accused Aditya Kumar Singh @ Bablu @ Bablu Singh has been extended the privilege of anticipatory bail in Cr.Misc. No.23278 of 2016, vide order dated 28.07.2016, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of ₹10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Saurabh Singh, learned Judicial Magistrate 1st Class, Patna, in connection with Hawaii Adda P.S. Case No.55 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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