

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43171 of 2016

Arising Out of PS.Case No. -193 Year- 2016 Thana -GIRIYAK District- NALANDA
(BIHARSHARIFF)

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Pappu Prasad @ Pappu Chaurasiya Son of Damodar Chaurasiya, resident of
Village- Katrisarai, P.S. Katrisarai, District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deo Raj Kumar Prasad, Adv.

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 23-11-2016 Heard both sides.

The petitioner apprehends his arrest in Giriyak (Katrisarai) P.S. Case No. 193/2016, registered for the offences punishable under Sections 467, 468, 471, 420 and 120B of the Indian Penal Code, Section 66 (C) of IT Act and Sections 18(A), 18(B), 18(C), 27(C), 28(C), 27(B)(ii) and other sections of Drugs and Cosmetics Act .

The S.H.O. of Katrisarai got information that Deepak Kumar is involved in Chehra Pehchano Inam Pao scam and selling different drugs in the name of energy enhancing power. The informant reached near A.T.M., Punjab National Bank and found one person who disclosed his name as Deepak Kumar who was in possession of Rs. 1,00,000/-. During the course of enquiry on



29.06.2016 it was found after obtaining the details of A.T.M. from which it transpired that the aforesaid A.T.M. was related with the account of Amardeep Kumar son of Jawahar Sao resident of Phusro Bermo district – Bokaro (Jharkhand). The aforesaid account was opened in the year 2016 and Rs. 52,00,000/- was deposited and withdrawn after opening of the account the money was deposited in the branch situated at Phusro, but the money was withdrawn from the different branches of the bank situated in the district of Nalanda. A team was constituted for investigation of the entire scam and one Deepak Kumar disclosed the name of Pappu Chaurasia (petitioner) and Prem Raj @ Amresh Kumar about their involvement in the aforesaid Chehra Pehchano Inam Pao. The house of Munna Vishwakarma was searched. Thereafter different places were searched and some objectionable articles were seized. The house of the petitioner was also searched and from his house 03 A.T.M. cards of different banks were recovered besides different electronics items. 30 computer printed papers were also recovered on which the mobile numbers of different persons are written.

Learned counsel for the petitioner submits that Deepak Kumar after being interrogated disclosed the name of the petitioner. Petitioner was not arrested on the spot and nothing has been recovered from the conscious possession of the petitioner.



From perusal page 4 of the case diary it would appear that different articles were recovered from the house of the petitioner. The copy of seizure-list was given to Prem Raj who is also accused and not the petitioner and it creates doubt about the seizure of different articles from the house of the petitioner. It is further submitted that none of the witnesses put their signature on the seizure-list. The seizure list witnesses Mithilesh Kumar and Ranjay Kumar are resident of different places. Similarly situated co-accused Nageshwar Prasad has already been granted anticipatory bail by the learned Ist Additional District & Sessions Judge, Nalanda at Biharsharif and the case of petitioner stands on the same footing.

Learned A.P.P. opposed the prayer for anticipatory bail of the petitioner.

It appears that firstly, Deepak Kumar was apprehended and from whose possession Rs. 1,00,000/- and A.T.M. card of P.N.B. bank were recovered. On thorough enquiry, the A.T.M. card was found to be of Amardeep Kumar whose account was found in the Punjab National Bank, Phusro Branch. It also transpired that the aforesaid account was opened in the month of March, 2016 and Rs. 52,00,000/- was deposited in the aforesaid account at Phusro Bokaro, but the entire amount was withdrawn by different persons from different branches of P.N.B. bank

situated in the district of Nalanda. Deepak Kumar disclosed the name of the petitioner as one of the accomplices of Chehra Pehchano Inam Pao. The house of the petitioner was also searched and different articles were recovered. The case of the petitioner is quite different to the case of Nageshwar Prasad. At the last line of the F.I.R. it is alleged that local post-master of Katrisarai post-office is also involved in this case, but no material was found against Nageshwar Prasad local post-master of Katrisarai post-office and on that ground he was granted anticipatory bail by the learned 1st Additional District & Sessions Judge, Nalanda at Biharsharif. The involvement of the petitioner was found in the case along with Deepak Kumar and other accused persons.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above-named on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below learned court below shall consider the prayer for regular bail of the petitioner on its own merit without being prejudiced from order of this court.

(Prabhat Kumar Jha, J.)

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