

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18371 of 2018

Arising Out of PS.Case No. -451 Year- 2017 Thana -GIRIYAK District- NALANDA
(BIHARSHARIFF)

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Vikash Kumar, son of Basant Prasad, resident of village - Govardhan Bigha,
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. Bindhyachal Singh, Advocate

: Mr. Prashant Sinha, Advocate

For the State : Mr. J.K. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH
ORAL ORDER

2 06-04-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Giriyak (Katrisarai) P.S. Case No.451 of 2017 registered under
Sections 419, 420, 467, 468 and 471 of the Indian Penal Code and
Section 66 of the I.T.Act.

It is submitted by the learned counsel for the petitioner
that the petitioner was neither arrested from the place of
occurrence nor any incriminating article was recovered from his
possession. His name was given in the FIR on the basis of
disclosure made by the co-accused from whom some mobile



phones and papers containing name and address of certain persons were recovered which would not attract ingredients of any offence. It is further submitted that Section 66 of the I.T.Act has been declared unconstitutional by the Supreme Court of India and ingredients of other offences under the Penal Code would not be attracted in the facts and circumstances of the case. It is also submitted that the petitioner has no criminal antecedent and having got roots in the society, he is not likely to abscond or tamper with the evidence.

Learned counsel for the State has opposed the prayer for grant of pre-arrest bail to the petitioner. He submitted that there is allegation that from the accused persons mobile phones and papers containing name and address of customers of some E-Commerce Company were recovered. It cannot be ruled out that the accused persons were indulged in some sorts of forgery, cheating etc.

Considering the facts and circumstances of the case and the submissions made above, in the event of arrest or surrender in the court below within six weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Bihar Sharif, Nalanda in connection with Giriyak



(Katrissarai) P.S. Case No.451 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md.S./-

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