

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29281 of 2017

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

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Ramesh Kumar, Son of Late Kailash Vishwakarma, resident of Village -
Katrisarai, Police Station - Katrisarai in the district of Nalanda.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Navin Sharma, Advocate.

For the Opposite Party/s : Mr. Zainul Abedin, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 02-02-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Giriak (Katri Sarai) P.S. Case No. 193 of 2016** instituted for the offence under Sections 467, 478, 471, 420, 120(B) of the Indian Penal Code, Section 66(C) of I.T. Act, 2008, Sections 18(A)/18(B)/18(C), 27(C), 28(A), 27(B)(II), 33EEC(B), 33(I) of Drugs and Cosmetics Act, 1940 and Sections 3, 4, 5, 7, 9(A) of Magic Remedies Act, 1944..

Learned counsel for the petitioner has submitted that petitioner is not named in the First Information Report. The name of this petitioner has come in the supervision note of the police during investigation alleging that an amount of Rs.3,64,000/- has been transferred in the account of this petitioner from the account



of co-accused Amardeep Sao. It has further been submitted that one of the co-accused Dhananjay Paswan has been granted anticipatory bail by a coordinate Bench of this Court vide order dated 23.2.2017 passed in Cr. Misc. 50596 of 2016.

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

In the written report it is alleged that informant as SHO Katrisarai, Nalanda, received confidential information on 28.6.2016 that co-accused Deepak Kumar is indulged in local business of "*Chehra Pahchano and Enam Pao*" and also sale of illegal medicine in the name of enhancement of physical power. The informant to verify the aforesaid information reached near PNB ATM and apprehended one person in suspicious condition who disclosed his name as Deepak Kumar. The police searched him and cash of Rs.1,00,000/- and ATM Card of HDFC Bank were recovered from his possession. The informant kept the ATM Card and recovered amount of Rs.1,00,000/- in his custody. The ATM card was verified in the Bank where it was learnt that it belongs to one Amardeep Kumar, resident of Jharkhand. After verification of details of account of Amardeep Kumar, it was found that account was opened in the month of March, 2016 and in that account from March 2016 till date, transaction of about



Rs.52,00,000/- has been made. Thereafter, Deepak Kumar was arrested.

It is alleged that on identification of Deepak Kumar, the premises of other accused persons as mentioned in the written report were raided in presence of two independent witnesses and several articles were recovered and seizure list was prepared.

From the written report it appears that the petitioner is not named in the First Information Report. It further appears that during raid of the premises of different accused persons committed by the informant, no any incriminating article has been recovered from possession of this petitioner.

Case diary has been called for which has been received.

Learned A.P.P. after looking into the case diary has submitted that name of this petitioner has come in the case diary in supervision note of Deputy Superintendent of Police wherein it has been stated that during investigation, police found that an amount of Rs.3,64,000/- was transferred in the account of this petitioner from the account of co-accused Amardeep Sao.

In this manner, except the aforesaid material which has come in the supervision note of the police during investigation, there is no allegation of any specific overt act



against this petitioner. The learned A.P.P. has submitted that there is no recovery of any incriminating article from possession of this petitioner.

Therefore, except suspicion raised in the supervision note of the Deputy Superintendent of Police, there is no specific allegation of overt act against this petitioner in the written report as well as in the case diary.

It is mentioned in paragraph-3 of the bail petition that petitioner has no criminal antecedent.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Giriak (Katri Sarai) P.S. Case No. 193 of 2016**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Sushil Prasad, learned **Judicial Magistrate, 1st Class, Nalanda at Bihar Sharif**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his



absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

S.Ali/-

(Sanjay Priya, J)

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