

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11024 of 2019

Arising Out of PS. Case No.-248 Year-2018 Thana- DIGHA District- Patna

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ROHIT KUMAR Son of Kety Prasad Yadav @ Ketaki Yadav Resident of
Village- Damodra Tola Naiyadhi, Police Station - Katoria, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Nurul Hoda, Adv.

For the Opposite Party/s : Mr.Mohammad Sufyan, APP.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
07.10.2018 in a case registered for the offences punishable
under Sections 379 and 420 of the Indian Penal Code and 66
of I.T. Act.

The prosecution case got initiated on the basis of
written report dated 14.05.2018 submitted by M. Srinivasa
Rao to the Station House Officer, Digha Police Station is to the
effect on 13.04.2018 at about 9-10AM, the informant received
a call on his mobile no. 9934011163 from an unknown number
i.e. 9007093176. The unknown number caller conveyed the
informant that it is a service call for the purpose of verification
from customer care service of Airtel mobile company and



asked for him Adhar Card number in that course the accused person managed to get de-activated the present sim card of the informant and got the same number activated in another sim card and transferred Rs. 99,998/- from ICICI Bank account of the informant to Axis Bank through UPI process by using the mobile number of the petitioner, leading to registration of FIR against unknown. The name of the petitioner came up on the basis of confessional statement of co-accused Kunal Kumar.

It is submitted by learned counsel for the petitioner that the Bank account in which the alleged transfer of money has been made does not belong to the petitioner and only on the basis of confessional statement of co-accused Kunal Kumar, the petitioner has been roped in the present case. It is further submitted that co-accused Kunal Kumar who named the petitioner in his confessional statement has been granted bail by a coordinate Bench of this Court vide order dated 21.01.2019 passed in Cr. Misc. No. 2703 of 2019 and investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the name of the petitioner sprang up on the basis of confessional statement



of co-accused.

Considering the fact that the investigation has already been concluded and except the confessional statement of co-accused no cogent material has been collected against the petitioner during investigation, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner 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 SDJM, Patna in connection with Digha P.S. Case No. 248 of 2018.

(Dinesh Kumar Singh, J)

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