

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6480 of 2020

Arising Out of PS. Case No.-567 Year-2019 Thana- RAMKRISHNANAGAR District- Patna

KUNAL KUMAR SINGH @ KUNAL SINGH, Son of Mithilesh Kumar @
Fantus Singh, Resident of Mohalla- Jhilganj, P.S.- Kotwali, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

For the Opposite Party/s : Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 24-06-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The matter has been taken up through virtual Court
proceeding.

The petitioner has preferred the present application for
grant of bail in a case registered for the offences punishable
under Sections 406/420 of the Indian Penal Code, 1860.

The prosecution case as per the written report of Tara Devi
submitted before the S.H.O., Ramkrishna Nagar Police Station
is to the effect that the petitioner was a tenant in the house of the
informant and took a loan amount to the tune of Rs.8,94,899/-
and thereafter, he went traceless. It is alleged that all the money



were deposited in the bank account of co-accused, Nikhil Kumar through whom, the petitioner was operating the account. It is further alleged that the petitioner has also cheated several other persons.

It is submitted by learned counsel for the petitioner that there is no proof with regard to the payment made to the petitioner. In fact, the alleged amount has been deposited in the bank account of co-accused, Nikhil Kumar and not in the bank account of the petitioner. The petitioner is languishing in custody since 28.09.2019 and the 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 petitioner has cheated several persons. Since nobody is ready to give money to the petitioner directly, hence, he got the money transferred in the bank account of co-accused, Nikhil Kumar and from the bank account of co-accused, Nikhil Kumar, the petitioner used to transfer the said money in the bank account of his sister.

Considering the nature of accusation, particularly in view of the fact that the informant claimed that the said amount was deposited in the bank account of co-accused, Nikhil Kumar,



the investigation already being concluded coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned ACJM-XIII, Patna, in connection with Ram Krishna Nagar P.S. Case No. 567 of 2019.

However, in view of the present pandemic, COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned ACJM-XIII, Patna, in connection with Ram Krishna Nagar P.S. Case No. 567 of 2019.

The learned Court below will further be at liberty to



extend the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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