

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55254 of 2019

Arising Out of PS. Case No.-244 Year-2019 Thana- PATRAKARNAGAR District- Patna

ANJAY KUMAR @ GOREJI Son of Chando Prasad Resident of Village-
Mayapur, P.O and P.S-Katrisarai, District-Nalanda (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nirbhay Kumar Singh, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 04-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 419, 420, 464, 467, 468, 471, 120B, of the Indian Penal Code and Sections 66(c) (d) of the Information and Technology Act.

The prosecution case as per the self statement of Rajkumar Singh, Inspector-cum-S.H.O., Patrakarnagar Police Station is to the effect that on 10.04.2019, during patrolling, the informant came to know that a Cyber criminal is active near Budha Dental College. Subsequently, the police reached at the spot and found a person in suspicious condition near an ATM, but on seeing the police, he tried to flee away from the scene, but on chase being made, he was apprehended and he disclosed his name as Vijay



Kumar. During search, 28 ATM cards of different banks, one mobile phone and Rs.40,000/- cash was recovered from his possession. The apprehended co-accused disclosed the name of other co-accused, including the petitioner, as members of the Cyber criminal gang.

It is submitted by learned counsel for the petitioner that except the confession of co-accused, no material has come against the petitioner and there is no recovery from the conscious possession of the petitioner. It is further submitted that similarly situated co-accused, Deepak Prasad, who was also named by the apprehended co-accused, as a member of the Cyber criminal gang, has been granted anticipatory bail by a Co-ordinate bench of this Court vide order dated 30.09.2019, passed in Criminal Miscellaneous No. 45204 of 2019. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that the name of the petitioner sprang up in the present case only on the basis of confessional statement of apprehended co-accused.

Considering the fact that the name of the petitioner sprang up on the basis of confessional statement of co-accused, there being no recovery from the possession of the petitioner,



similarly situated co-accused has been granted anticipatory bail by a Co-ordinate bench of this Court 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 anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Patna, in connection with Patrakar Nagar P.S. Case No.244 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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