

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13858 of 2021

Arising Out of PS. Case No.-336 Year-2018 Thana- ARWAL District- Jehanabad

Nitish Kumar (Male), aged about 26 years, Son of Aruw Kumar @ Arun Singh Resident of Village - Baidrabad, P.S.- Arwal , Distt.- Arwal at present resident of Village Ojha Bigha, P.S. & Distt.- Arwal.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Srivastava

For the Opposite Party/s : Mr.Ganesh Pd. Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 30-06-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Arwal P.S. Case No. 336 of 2018, registered for the offence under Sections 420, 467, 468, 471 and 34 of the Indian Penal Code.

The brief fact, of the prosecution case, is that the informant namely Sunil Kumar (Branch Manager), Bank of India got registered an FIR on 06.12.2018 alleging therein that on 25.10.2018, a Bank account, bearing no. 448410110006837, was opened in Bank of India, Bahadurpur Branch, Arwal in favour of co-accused Bihari Babu, in which, transaction of about Rs. 23,00,000/- has been made till 04.12.2018. It is further alleged that he got a complain through e-mail from Bank of



India, Gidhaur Brach, Thirumala Vishakhapatnam that Rs. 15,500/- has been credited in the aforesaid account from the account holder Shashi Kumar of Vishakhapatnam, and thus the said account has been seized and when on, 06.12.18, co-accused Bihari Babu came to withdraw money, he was apprehended and handed over to the police.

It is submitted on behalf of petitioner that petitioner is not named in the FIR. Name of petitioner has come only on the basis of confessional statement of co-accused Bihari Babu, who has already been granted bail by this Court, vide order dated 02.03.2020 passed in Cr.Misc. No. 50097 of 2019 (Annexure – 2). Petitioner is neither account holder nor any transaction has been made by this petitioner. Save & except confessional statement of co-accused, there is no cogent material against the petitioner. Petitioner claims clean antecedent and he is in custody since 07.10.2020.

Learned A.P.P. for the State has opposed the bail petition and submitted that petitioner is mastermind of the entire case and through cyber-crime, he was getting the money deposited in the aforesaid account of Bank of India and it is this petitioner, who himself had opened the bank account and cheque book & A.T.M. card were kept with him.



Considering the rival submissions of the parties and the fact that co-accused Bihari Babu has already been granted bail by this Court, the bail petition of petitioner is allowed. 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 Chief Judicial Magistrate, Arwal in connection with Arwal P.S. Case No. 336 of 2018, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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