

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16361 of 2021

Arising Out of PS. Case No.-708 Year-2020 Thana- MAJHAULIA District- West Champaran

MANTU KUMAR S/o Balistar Prasad R/o village- Siswan, Basantpur, P.S.-
Chautarwa, District- West Champaran

... .. 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.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 22-10-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Narsingh Tanti, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Manjhaulia P.S. Case No.708/2020 registered for the offences punishable under Sections 399, 400, 401, 402, 403, 411, 413, 414, 419, 420, 467, 468, 471, 472, 379 and 120B of the Indian Penal Code and Sections 66 and 66C of the Information Technology Act. He is in custody since 17.10.2020. In paragraph '3' of the petition, he has stated that the petitioner has got no criminal antecedent.

This Court had called for the criminal antecedent



report but the same has not been received.

Learned APP for the State has received the case diary and confirms that in the case diary no criminal antecedent of the petitioner is reported.

As per the prosecution story when the informant who is a sub-inspector of police got secret information and in course of patrolling was passing through the SBI ATM situated at Manjhaulia market, he found that 6-8 boys were there who started fleeing away on seeing the police party. Police chased them and arrested four boys. From possession of them several ATM cards and cash of Rs.40,000/- was recovered from the co-accused Shamshad Alam whereas a sum of Rs.20,000/- was recovered from each of the other three co-accused including this petitioner. According to F.I.R., the petitioner and other co-accused are operating a gang who are involved in swindling of money by duping the simple citizens in confidence. The entire modus operandi is stated in the F.I.R.

Learned counsel for the petitioner submits that this petitioner has been arrested with four ATM cards and a cash of Rs.20,000/-, however, the petitioner has got no criminal antecedent and so far as the allegation that members of the gang have earned illegal assets out of this fraud is concerned, the



prosecution may take separate action for that in accordance with law. So far as this petitioner is concerned, he has got no criminal antecedent, has remained in custody for more than one year, investigation against him is complete but the trial is not likely to be concluded in near future, moreover the co-accused similarly situated namely Sonu Kumar has been granted bail by a learned coordinate Bench of this Court in Cr.Misc.No.21639 of 2021. The case of the petitioner stands on similar footing.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner on the ground that the petitioner seems to be a member of the gang which is involved in committing fraud, however, learned APP has not drawn any distinction between the case of this petitioner and that of the co-accused Sonu Kumar who has been granted bail.

Considering the facts and circumstances of the case wherein this petitioner is said to be a member of the gang and from his possession a sum of Rs.20,000/- with four ATM cards have been recovered but the similarly situated co-accused Sonu Kumar from whose possession five ATM cards and cash of Rs.20,000/- were recovered has been granted bail, the petitioner has remained in custody for over one year but the trial is not likely to be concluded in near future, this Court directs that the



petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah (West Champaran) in connection with Manjhaulia P.S. Case No.708/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

And further condition that considering the kind of modus operandi of the gang to which the petitioner is said to be a member as narrated in the F.I.R., this Court deems it just and proper to impose a specific condition that henceforth till conclusion of the trial this petitioner shall mark his attendance once every two months before the S.H.O. of Chautarwa police station within whose jurisdiction he is residing and shall furnish his complete information and mobile number etc. to the S.H.O. If in connection with any employment, he is required to stay



outside the jurisdiction of the police station then also the complete information will be furnished to the S.H.O. of the police station regularly. Failure to abide by this condition shall be a ground for the S.H.O. of the police station to file an appropriate application in the learned court below for cancellation of the bail bond of the petitioner.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

