

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38887 of 2020**

Arising Out of PS. Case No.-276 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

NAND LAL TURI Son of Yogendra Prasad Turi @ Yogendra Turi Resident of
Village- Kali Pahadi, P.S.- Narayanpur, Distt- Jamtara (Jharkhand)

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pathak, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 01-07-2021 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 learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Bhabhua P.S. Case No. 276 of 2020 registered for the offences punishable under Sections 419 and 420 of the Indian Penal Code and Section 66(C) 66(D) of the I.T. Act.

Learned counsel for the petitioner submits that as per the prosecution story the informant is a salaried person having his savings bank account in State Bank of India at Bhabhua Main Branch. On 08.05.2020 he got an S.M.S. on his mobile



number about debit of Rs. 11,00,000/- from his account which was not withdrawn by the informant. Earlier on 06.05.2020 he had withdrawn Rs. 10,000/- from ATM but he didn't get the money and when he talked to the SBI customer care he was asked to install Anydesk application. But after installing the application, he did not get his money whereas Rs. 11,00,000/- were debited from his account.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case on confessional statement of the co-accused Mr. Ataul Ansari. It is further submitted that the other co-accused have been granted bail by learned co-ordinate Bench of this Court. Learned counsel submits that the petitioner is in custody for over one year having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. However in course of submissions he is unable to point out any paragraph from the case diary showing either that money has come in any of accounts of the petitioner or his relative or that his mobile number has been used in this connection otherwise.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the



petitioner that the petitioner has been arrested on the basis of confessional statement of the co-accused Mr. Ataul Ansari who has already been granted bail in Cr. Misc. No. 39943 of 2020 dated 23.03.2021, the other two co-accused have also been granted bail by learned co-ordinate Bench of this Court, so far as the present petitioner is concerned, he is said to be in custody in connection with this case for over one year, investigation against him is complete but the trial is not likely to be concluded in near future, he has otherwise no criminal antecedent, in the circumstances, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur (Bhabua) in connection with Bhabhua P.S. Case No. 276 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly



make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

This application stands disposed of accordingly.

(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'.

