

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9310 of 2021

Arising Out of PS. Case No.-122 Year-2020 Thana- DUMRA District- Sitamarhi

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Gautam Kumar @ Raushan Kumar @ Gautam Kumar Singh Son Of Vinod Singh Resident Of Village- Barandi, Police Station - Katri Sarai, District - Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Kanhaiya Pd. Singh, Sr. Advocate
	:	Mr. Birendra Kumar Singh
For the Opposite Party/s	:	Mr. Amit Kumar Jha
	:	Mr. Ram Sevak Chaudhary

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 13-09-2021 Heard learned counsel for the petitioner and learned A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Dumra P.S. Case No. 122 of 2020 registered for the offence punishable under Sections 379 and 420 of the Indian Penal Code.

As per the prosecution case, in the present case F.I.R. was drawn against some unknown cyber thieves on the basis of written complaint of informant *Bhav Nath Jha*, a retired Class III employee, submitted to SHO, Dumra P.S. alleging *inter alia*, that some



unknown thieves illegally and fraudulently withdrawn rupees twenty lakh from his account bearing Account No. 11170862365 of the S.B.I., Dumra, Sitamarhi Branch on different dates from 23.03.2020 to 12.04.2020 and cheated the informant by committing theft of such a huge amount from his bank account.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that petitioner is not named in the F.I.R.. Charge sheet has been filed on 16.01.2021. He submits that on the basis of tower location of mobile, one *Rakesh Kumar Srivastava* was apprehended, he confessed his guilt and disclosed name of the petitioner. He further submits that similarly situated co-accused persons has been granted bail *vide* orders dated 17.04.2021 and 17.05.2021 passed in Cr. Misc. Nos. 40490 of 2020 and Cr. Misc. No. 2770 of 2021 respectively. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent as has been mentioned in para 3 of this bail application and he is languishing in custody since 23.06.2020.

Learned APP for the State and learned counsel for the informant vehemently opposing the bail petition submitted that petitioner is the king pin in the present case. They further submit that petitioner along with other co-accused persons siphoned off Rs. 18 Lakh from the bank account of the informant and there is recovery of



10 ATM cards from them as stated in para 64 of the case diary.

Considering the facts aforesaid and the fact that charge has already been framed and similarly situated co-accused persons have been granted bail, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor Court in connection with Dumra P.S. Case No. 122 of 2020 subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so



required and in the case of failure, the State shall be at liberty to move for cancellation of bail.

(5) It is directed that after release the petitioner will have to appear before the Police Station of his local area in the first week of the each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

GAURAV S./-

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