

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11677 of 2021

Arising Out of PS. Case No.-22 Year-2020 Thana- BEUR District- Patna

Sikandar Mandal Son Of Late Tek Lal Mandal Resident Of Village -
Pandaniya, P.S. - Ahilayapur, District - Giridih (JHARKHAND)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Aditya Narayan Singh 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 14-09-2021 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 Beur P.S. Case
No. 22 of 2020 registered for the offence punishable under Sections
379 and 420 of the Indian Penal Code and Section 66 of the I.T. Act.

The prosecution story as per informant is that he has ordered
bluetooth of UBL company through online shopping of EZEECART
which was delivered defective. When the informant enquired and
demanded for refund of money he was given a phone number, on
which he talked with somebody, who informed that the refund will be
made in Bank Account and asked for four digit of ATM and its



validity which was given by the informant. After then a fraud had taken place in account and three fraudulent transactions of withdrawal took place in his 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 F.I.R. has been lodged against unknown persons. He submits that the case was instituted against unknown persons and during the course of investigation the petitioner was arrested in connection with Beur P.S. Case No. 120 of 2020 for the offence under Sections 420, 379 of the I.P.C. and 66 of the I.T. Act on 28.05.2020 and thereafter the police has taken the confessional statement of the petitioner in connection with Beur P.S. Case No. 120 of 2020 on 28.05.2020 at 8.30 a.m. and on the confessional statement of the petitioner the police has filed a requisition to remand the petitioner in this case on 26.06.2020 after passing of about 30 days. The petitioner has already been granted bail in Beur P.S. Case No. 120 of 2020. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has two criminal antecedents as has been mentioned in para 3 of this bail application and he is languishing in custody since 02.09.2020.

Learned APP for the State vehemently opposed the bail petition.

Considering the facts aforesaid and the case record including



the case diary, 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 Beur P.S. Case No. 22 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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