

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72221 of 2021

Arising Out of PS. Case No.-458 Year-2021 Thana- LAHERIMUHALLA District- Nalanda

1. Gautam Kumar Son of Sukhnandan Prasad Resident of Village- Panchi, P.S.- Shekhopur Sarai, District- Nalanda.
2. Kishore Prasad Son of Rajbaliabh Mahto Resident of Village- Mathguini, P.S.- Pakribarama, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 3571 of 2022

Arising Out of PS. Case No.-458 Year-2021 Thana- LAHERIMUHALLA District- Nalanda

Laxman Kumar S/o- Kapildeo Mahto R/o Village- Balchand Bigha, P.S.- Katrisarai, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 6299 of 2022

Arising Out of PS. Case No.-458 Year-2021 Thana- LAHERIMUHALLA District- Nalanda

1. Pintu Kumar S/o Late Kailash Mahto R/o Village- Balchand Bigha, P.S. - Katrisarai, District - Nalanda.
2. Mukesh Kumar S/o Ramji Mahto R/o Village - Sakuchi Sarai, P.S. - Giriyak, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 72221 of 2021)

For the Petitioner/s : Mr. D.K. Sinha, Sr. Adv.

Mr. Pramod Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP.

(In CRIMINAL MISCELLANEOUS No. 3571 of 2022)

For the Petitioner/s : Mr. Raj Kishor Prasad, Adv.
For the Opposite Party/s : Mr. Manoj Kumar, APP.
(In CRIMINAL MISCELLANEOUS No. 6299 of 2022)
For the Petitioner/s : Mr. Raj Kishor Prasad, Adv.
For the Opposite Party/s : Mr. Uday Pratap Singh, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 17-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek regular bail in connection with
Laheri P.S. Case No. 458 of 2021, lodged under Sections 420,
467, 468, 292/34 of the Indian Penal Code read with Sections 66
& 67 of the I.T. Act.

As per prosecution, this case has been filed against 5
named accused persons who in connivance with each other use
to extract money in the name of registration from the customers
sending recorded audio messages with an offer to join work as a
playboy to earn money, per person Rs.2,500/- is alleged to be
collected by the accused persons. It has also been alleged that
they were running a forge company and cheating the people at
large.

Learned counsel for the petitioners submits that
petitioners are innocent. The list of recovered material is there in
the F.I.R. and the seizure list varies from each other. Learned

counsel for the petitioners further submits that petitioners are in custody since 09.10.2021. Learned counsel for the petitioners further submits that antecedent of all the petitioners are clean and charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail and submits that petitioner no.1 of Cr. Misc. No.72221 of 2021 Gautam Kumar has criminal antecedent but he has suppressed his antecedent before the Court.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named except Gautam Kumar, be released bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Laheri P.S. Case No. 458 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of their bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioners.

C. The petitioners shall file an affidavit at the time of furnishing of bail bond that they shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of their present bail bond.

The bail application of Gautam Kumar is hereby rejected due to the reason that he has made suppression before the Court about his criminal antecedent.

Trial court shall release the petitioner (Gautam Kumar) only after framing of charge.

With this observation, the bail application stands disposed off.

(Dr. Anshuman, J.)

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