

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10804 of 2022

Arising Out of PS. Case No.-2 Year-2022 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

AKHILESH KUMAR S/o- Bipin Prasad R/o Village- Panchi, P.S.- Shekhopur
Sarai, District- Seikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 17214 of 2022

Arising Out of PS. Case No.-2 Year-2022 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

GULSHAN KUMAR Son of Ravindra Prasad Resident of Village - Godapar,
P.s.- Warsaliganj, Distt.- Nawada.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 10804 of 2022)

For the Petitioner/s : Mr. Suraj Kumar Singh, Advocate
Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

(In CRIMINAL MISCELLANEOUS No. 17214 of 2022)

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 27-07-2022

IN CR. MISC. NO. 10804 of 2022

Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.



The petitioner seeks bail in connection with Shekhopur Sarai P.S. Case No. 2 of 2022 registered for the offence under Sections 406, 419, 420, 467, 468, 471, 120(B) and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 03.01.2022.

The allegation against the petitioner is to cheat different persons in the name of lottery, dealership etc., alongwith other co-accused persons.

Learned counsel appearing on behalf of the petitioner submitted that if the contents of the F.I.R. is taken to be true on its face, is appearing, nothing but self confession of the petitioner, stating thereof, to be involved in cyber cheating. It is submitted that seizure list itself shows that nothing incriminating recovered from the petitioner. It is further submitted that the allegation is purely based upon suspicion and number saved in the contact list, in the mobile phone of the petitioner. It is also submitted that nothing incriminating material surfaced during the course of investigation in furtherance of the self confession or from alleged electronic data, which may connect the petitioner with the alleged cyber cheating. While concluding the argument, it is submitted that



petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer for bail.

Considering the facts and circumstances as mentioned above, as seizure list is disputed and nothing surfaced to connect the petitioner, *prima facie*, with the alleged cyber cheating coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Shekhopur Sarai P.S. Case No. 2 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.



(ii) That one of the bailors shall be Nitish Kumar, who is the cousin brother of the petitioner and deponent of the present bail petition.”

IN CR. MISC. NO. 17214 of 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Shekhopur Sarai P.S. Case No. 2 of 2022 registered for the offence under Sections 406, 419, 420, 467, 468, 471, 120(B) and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 03.01.2022.

The allegation against the petitioner is to cheat different persons in the name of lottery, dealership etc., alongwith other co-accused persons.

Learned counsel appearing on behalf of the petitioner submitted that if the contents of the F.I.R. is taken to be true on its face, is appearing, nothing but self confession of the petitioner, stating thereof, to be involved in cyber cheating. It is



submitted that seizure list itself shows that that nothing incriminating recovered from the petitioner. It is further submitted that the allegation is purely based upon suspicion and number saved in the contact list, in the mobile phone of the petitioner. It is also submitted that only incriminating material, which appears to be recovered from possession of the petitioner is mobile, as per seizure list. It is submitted that nothing surfaced from the contents of the mobile that the petitioner was involved in alleged cyber cheating. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer for bail.

Considering the facts and circumstances as mentioned above, as seizure list is disputed, only mobile has been recovered from conscious physical possession of the petitioner and nothing surfaced from the contents of the mobile to connect the petitioner, *prima facie*, with the alleged cyber cheating, who is a man of clean antecedent coupled with the fact that chargesheet has already been submitted, let the petitioner, above



named, is directed to be released on bail in connection with Shekhopur Sarai P.S. Case No. 2 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents

(ii) That one of the bailors shall be Ravindea Prasad, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/-

U		T	
---	--	---	--

