

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13963 of 2022

Arising Out of PS. Case No.-228 Year-2021 Thana- KATORIYA District- Banka

PRINCE KUMAR CHAUDHARY Son of Pramod Chaudhary Resident of
Village - Apar Road, Sultanganj, P.S.- Sultanganj, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Senior Advocate Ms. Priyanka Singh, Advocate
For the Opposite Party/s	:	Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-08-2022 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 Katoriya
P.S. Case No. 228 of 2021 registered for the offence under
Section 420 of the Indian Penal Code and Section 67 of I.T. Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 02.09.2021.

The allegation against the petitioner is to cheat the
informant and others and induced to deliver property along with
other valuable documents, on the false pretext of issuing
Ayushman Bharat Card, from Health Department, Banka, Bihar.



Learned senior counsel appearing on behalf of the petitioner submitted that the allegation is based upon suspicion, as the petitioner collected different documents as Adhar Card, Ration Card and Finger print from the informant and others, in connection with Ayushman Bharat Card. It is submitted that from bare perusal of First Informant Report, it is nowhere, appearing that bank account of informant was supplied to the petitioner and in absence thereof, it is highly improbable to withdraw the alleged amount from bank account. It is also submitting that nothing surfaced during course of investigation, which may suggest that the petitioner received any fiscal benefit out of said transaction or to be involved in any cyber activities, as alleged. It is also pointed out, as petitioner involved in 03 criminal cases, the bail petition of the petitioner, was rejected by the trial court/district court, whereas, for the same set of allegation, the prayer of bail petition of co-accused, namely, Rupesh Singh was allowed. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that the petitioner only collected Adhar Card,



Ration Card and finger print of the informant and others, as per F.I.R.

Considering the facts and circumstances as mentioned above, as the bank account was not supplied to the petitioner by the informant, suggesting allegation improbable on its face coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Katoriya P.s. Case No. 228 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Banka/concerned court, subject to the following conditions:

“(i)That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) 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.



(iii) That one of the bailors shall be Pramod Chaudhary, who is the Father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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