

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26261 of 2021

Arising Out of PS. Case No.-346 Year-2018 Thana- GOGRI District- Khagaria

Prince Kumar, S/o- Umesh Jayaswal, R/o Vill- Ajhaur, P.S.- Nima-
Chandpura, Dist- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Md. Mustaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

10 31-03-2022

The applicant/accused in Crime No. 346 of 2018 registered with Gogari Police Station for the offence punishable under Section 420 of the Indian Penal Code, by this application is seeking his release on bail after filing of the charge sheet.

Heard the learned counsel appearing for the applicant/accused. He argued that the applicant is falsely implicated in the instant case merely on the basis of suspicion expressed by the first informant.

The learned Additional Public Prosecutor opposed the application by contending that the offence is serious and the applicant has cheated the innocent victim.

I have considered the submissions so advanced and also perused the case diary.

The FIR is lodged by one Prakash Samanta. He



alleged that for opening the Customer Service Point, he paid an amount of 99,000/- only mentioned Bank Account of one Rakesh Roushan. However no such Customer Service Point was allocated to him and on inquiry he found that his amount was deposited in the account of one Sarita Kumari, wife of Sanjay Kumar. The first informant expressed apprehension that one Anju Devi as well as the present applicant is also involved in the subject crime.

The investigation of the subject crime is over. The offence alleged is punishable under Section 420 of the Indian Penal Code. The applicant is undergoing pretrial detention from 06.01.2021. Hence this Court is of the considered opinion that further pretrial detention of the applicant is not warranted. So far as the alleged criminal antecedents are concerned, the care thereof can be taken by imposing stringent conditions on the applicant. Therefore, the order :-

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 346 of 2018 registered with Gogari Police Station be released on bail on executing P.R. bond of Rs.20,000/- (Rupees Twenty Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -



(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the appellant/accused.

(A. M. Badar, J)

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