

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17738 of 2022

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

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Rahul Patel Son of Upendra Prasad Resident of Village - Sasaur, P.s.-
Sarmera, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Ms. Nirmala Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-07-2022 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 pan card belongs to 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, while opposing the prayer of bail, fairly conceded that the seized pan card is in the name of the petitioner.

Considering the facts and circumstances as mentioned above, as seizure list is disputed, where seized pan card is in the name of the petitioner, 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 Upendra Prasad, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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