

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18725 of 2022

Arising Out of PS. Case No.-549 Year-2017 Thana- GANDHIMAIDAN District- Patna

ANIL KUMAR CHAURASIYA SON OF SATNARAYAN CHAURASIYA
R/O - REOTIT, P.S.- BAIKUNTHPUR, DISTRICT- GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Jiban Pd. Singh
For the Opposite Party/s : Mr.Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 21-09-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with Gandhi Maithan P.S. Case No. 549 of 2017 registered for the offences punishable under Sections 120(A), 420, 467, 468, 471, 120(B) of the Indian Penal Code read with Section 112/117 of the Custom Act and Section 66(C) of the IT Act.

As per prosecution case, petitioner and others were running a false exchange. It is further alleged against the petitioner that he took five high speed internet connect from the company of co-accused Nalin Sinha. Most of the calls were received from Gopalganj and Siwan. One of these illegal



networks was used in foreign and second was kept in SIM box of present petitioner and other co-accused person.

Learned counsel for the petitioner submits that petitioner is in custody since 03.08.2021. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner. As per seizure list alleged recovery has been made from the house of co-accused with whom petitioner has no concern. Petitioner is not apprehended on spot. Learned counsel further submits that allegation against the petitioner is general and omnibus. There is no specific allegation against the petitioner. Co-accused Abhay has already been granted anticipatory bail vide Cr. Misc. No. 27473 of 2019 by a co-ordinate bench of this Court and the case of present petitioner stands on similar footing and co-accused Mahesh Kumar Singh has already been granted bail vide Cr. Misc. No. 5709 of 2018 by a co-ordinate bench of this Court and the case of present petitioner stands on better footing in comparison to co-accused Mahesh Kumar Singh in light of the fact that co-accused Mahesh Kumar Singh was apprehended on spot. Learned counsel further submits that there is no case prior to the



present case and during pendency of this case petitioner has been made accused in one more case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, petitioner is not apprehended on spot, similarly situated co-accused persons have already been granted bail by the co-ordinate bench of this Court, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Judge IV-cum-ACJM, Patna in connection with Gandhi Maithan P.S. Case No. 549 of 2017, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive



dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

amitkr/-

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

