

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20382 of 2022

Arising Out of PS. Case No.-16 Year-2022 Thana- GRIYAK District- Nalanda

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TUNTUN KUMAR Son of Suresh Mistri Resident of Village - Kamal Bigha,
P.S.- Katrisarai, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. D. K. Singh, Sr. Advocate

Mr. Abhinay Raj, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 419, 420, 467, 468 and 471 of the Indian Penal Code and Sections 66(C) and 66(D) of the I.T. Act.

Learned senior counsel for the petitioner submits that petitioner is a person with clean antecedent and is a young boy aged about 24 years and the informant alleges that he received information that Subham Kumar in his orchard with his associates was committing cheating by hacking data by using false SIM and fake account, accordingly, the informant reached the place of occurrence, further many accused fled but Subham Kumar was apprehended who disclosed the name of the accused



who have fled as Pintu, Sangam, Tuntun (petitioner) and Amit, further from Subham several articles were recovered as detailed in the FIR including a mobile, it is next alleged that the informant got further information that Sumant, Sanjit Sanjay Ankit and Pintu are also committing cheating by hacking data, accordingly he reached at the place of occurrence and the accused were apprehended who disclosed that 26 accused persons have fled and from their possession also several articles were recovered as detailed in the FIR, further on information about hacking data by Prince, the informant raided his house from where several articles were recovered but Prince had fled.

Learned senior counsel for the petitioner submits that petitioner has been falsely implicated in the present case, he was not apprehended from the place of occurrence and his name was disclosed by Subham in police custody which *per se* does not have any evidentiary value, it is further submitted that nothing was recovered from the house of the petitioner and similarly situated co-accused Prince Kumar has been granted anticipatory bail by order dated 05.09.2022 in Cr. Misc. No. 19510 of 2022 and Subham Kumar has been granted regular bail vide order dated 17.05.2022 in Cr. Misc. No. 15951 of 2022.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner



Considering the submissions made by the learned senior counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Giriyak Katrisarai P.S. Case No. 16 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. with a further condition that one of the bailors of the petitioner shall be his father Suresh Mistri.

Further, if an application is filed by the Investigating Officer in the learned trial court that the petitioner is not cooperating in the investigation then the learned trial court after issuing notice to the petitioner and after hearing him will pass orders in accordance with law i.e., if the learned trial court finds that petitioner is not cooperating in the investigation then his bail bonds shall be canceled.

(Satyavrat Verma, J)

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