

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21476 of 2022

Arising Out of PS. Case No.-28 Year-2022 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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Nitish Kumar, Son of Late Jangbahadur Mahto @ Jangbahadur Mahto
Resident of Village - Panchi, P.S.- Sheikhopur Sarai, District - Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 18-10-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Pankaj Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Sheikhopur Sarai P.S. Case No. 28 of 2022
registered for the offences punishable under Sections 419, 420,
467, 468, 471, 120(B)/34 of the Indian Penal Code.

The prosecution case is based on a written report
alleging therein that the police on a secret information,
regarding cheating of people by 7-8 persons in the name of
getting job in 'Himalaya Company' conducted raid. However,



on noticing the police party, 5-6 persons succeeded in fleeing away and the petitioner was apprehended on a pump house. On search, one mobile phone has been recovered from the possession of the petitioner and four other mobile phones and some papers have also been recovered from the place of occurrence. It is also alleged that the informant also came to know that the petitioner and others in the name of getting job in 'Himalaya Company' taken money from different persons.

Learned counsel appearing on behalf of the petitioner submits that from the FIR, it would be evident that the FIR has been instituted by the police officials and no complaint has been filed by any of the victim who was subjected to cheating. He further submits that there is no other materials available on record which suggests that the petitioner was anyhow connected with the cyber crime and the only allegation against him is that on the pretext of providing job, he has realised some money from some of the persons. He lastly submits that now the investigation of the crime is already complete and charge-sheet has been submitted though the petitioner is in custody since 27.02.2022.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the



petitioner is also found involve in one another criminal case. He also submits that ample materials have come during the course of investigation, suggesting the complicity of the petitioner.

Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of the crime is already complete and charge-sheet has been submitted apart from the fact that only a mobile phone has been recovered from his possession and none of the victim has made specific allegation against the petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura in connection with Sheikhopur Sarai P.S. Case No. 28 of 2022 , subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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