

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21062 of 2022

Arising Out of PS. Case No.-86 Year-2022 Thana- GRIYAK District- Nalanda

Manoj Kumar @ Mallu Son Of Late Jagdish Prasad R/O Village
-bhagwanpur, P.S.- Katrisarai, District- Nalanda

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Bhola Prasad, Advocate
For the State : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 30-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP 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 Giriyak
(Katrisarai) P.S. Case No.86 of 2022 registered for the offence
under Sections 419, 420, 467, 468, 471 of Indian Penal Code
and Section 66(c) of the Information and Technology Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 27.02.2022.

The allegation against the petitioner is to have in
possession of Aadhar card, Voter ID card, PAN card, mobile



sim, order sheet of different companies and bank account number of different customers etc., without having any just explanations.

Learned counsel appearing on behalf of the petitioner submitted that alleged documents were recovered from the house of this petitioner, which is occupied by other family members and, as such, it can be safely gathered that the recovery of these documents was not made from the conscious physical possession of the petitioner. It is also submitted that seizure list appears doubtful, being not supported by independent witnesses rather by police personnel. While travelling over the argument it is submitted that compliance of Section 100(4) of Cr.P.C. was not made in the present case, while searching the house. It is also submitted that there is no allegation of cheating or any complaint of private person available against this petitioner. 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, opposes the prayer for bail.



In view of the facts and circumstances as mentioned above as the recovery of copy of alleged documents, not appears to be made from conscious physical possession of the petitioner in the background of doubtful seizure list coupled with the fact that chargesheet has already submitted, let above named petitioner directed to be released on bail in connection with Giriyak (Katrisarai) P.S. Case No.86 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 Additional Chief Judicial Magistrate, Biharsharif, Nalanda/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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