

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20645 of 2022

Arising Out of PS. Case No.-48 Year-2022 Thana- PIPRAKOTHI District- East Champaran

MD. DANISH S/o SK Ekram R/o Mohalla- Azad Nagar, P.S.- Town Motihari,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 26115 of 2022

Arising Out of PS. Case No.-48 Year-2022 Thana- PIPRAKOTHI District- East Champaran

SURAJ CHOUDHARY S/o Madan Chaudhary R/o village- Balua Bazar, P.S.-
Town Motihari, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 20645 of 2022)

For the Petitioner/s : Mr.Binay Kumar

For the Opposite Party/s : Mr.Shailendra Kumar Singh

(In CRIMINAL MISCELLANEOUS No. 26115 of 2022)

For the Petitioner/s : Mr.Ranjana Srivastava

For the Opposite Party/s : Mr.Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 03-08-2022 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 Pipra
Kothi P.S. Case No. 48 of 2022 registered for the offences
punishable under Sections 420, 467, 468, 471, 120(B) and 34 of



the I.P.C.

As per prosecution case, it is stated that two young persons, who committed fraud, have been stopped by the bank officials. On such information, the informant along with other police officials reached at the branch and on query, both the young persons disclosed their names as co-accused Vivek Kumar and the petitioner Md. Danish. It is disclosed by the co-accused Vivek that he along with his friend Md. Danish(present petitioner) came to the bank to withdraw the money from the account No. 40647933943, the Branch Manager stated that the co-accused Vivek Kumar had opened a bank account on 15.12.2021. From the date of opening of the account till 05.01.2022, Rs. 8,47,951.64 has been deposited from different sources and also withdrawn Rs. 8,37,919 from the said account. When a mail was received from cyber crime cell, Jaipur to hold the transaction of said account the bank stopped the transaction on 06.01.2022 and 13.01.2022 and informed the account holder. Despite information, the accused persons came to bank to withdraw the money from the said account. It is further alleged that during the said period huge amount has been deposited and withdrawn by committing fraud and forgery. On query, the co-accused disclosed that he along with other co-accused persons including petitioner Suraj Chaudhary committed fraud and forgery. The accusation against the present



petitioners along with other accused persons will deposit and withdraw the amount by committing forgery from the said account.

Learned counsel for the petitioners submits that petitioner namely Md. Danish is in custody since 20.02.2022 and petitioner namely Suraj Choudhary is in custody since 28.02.2022. Md Danish(petitioner) bears no criminal antecedent and Suraj Choudhary(petitioner) bears criminal antecedent of three cases in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioners have no concern with the alleged deposit or withdrawal of the said amount. They went to the bank just as a companion of the co-accused. The alleged bank account in question is in the name of co-accused Vivek Kumar and only Vivek Kumar is liable and responsible for any transaction either deposit or withdrawal.

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

Considering the facts and circumstances of the case, period of custody, nature of allegation, charge sheet has been submitted in the case 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 petitioners 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 Chief Judicial Magistrate, East Champaran, Motihari in connection with Pipra Kothi P.S. Case No. 48 of 2022, G.R. No. 808 of 2022 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)

minu/-

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

