

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34617 of 2021

Arising Out of PS. Case No.-110 Year-2020 Thana- BALRAMPUR District- Katihar

=====

Pramod Kumar Kushwaha Son of Ramdeo mahto @ Ramdev Prasad
Kushwaha Resident of Village- Dumariya, P.O. - kaurihar, P.S. - Raxaul,
District - East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ram Nibash Prasad, Adv.

For the Opposite Party/s : Mr. APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 29-04-2022 Heard Mr. Ram Nibash Prasad, learned advocate for

the petitioner and learned Additional Public Prosecutor
representing the State.

The petitioner seeks bail in anticipation of his arrest in
connection with Balrampur P.S. Case No. 110 of 2020 dated
14.09.2020 instituted for the offences under Sections 419, 420
and 379 of the Indian Penal Code.

On 20.01.2022, the following order was passed by
this Court:-

*“A peculiar story has been narrated in the
F.I.R. by the local officer-in-charge of the police station.
He alleges to have received a telephonic information
that a police party under the leadership of one
Additional Superintendent of police is coming to Gaya
for arresting of the petitioner who is suspected to be*



keeping one Kg of gold. Another telephone call came to him from the same source later intimating him that one of the accused persons namely Vikash Yadav has already been arrested with 1.5 Kilograms of gold and the police party is proceeding to arrest a person by the name of Pramod Kumar Kushwaha who is in possession of 1 Kg of gold and is hiding in the house of his sister.

The informant was told on telephone that the DGP wanted him to assist the raiding team in investigating the case and tracking down aforesaid Pramod Kumar Kushwaha. In order to facilitate such arrest, the informant of his own thought it appropriate that he would interact with the petitioner and would deposit Rs.40,000/- in his bank account after disclosing to him that it is the advance amount for purchase of gold so as to instill confidence in him that the money is being deposited by a genuine customer and not by any person who was masquerading.

The money was deposited in the account of the petitioner by taking help of the CSP owner, which works as an agency of the Bank for deposit of money in the account of the account holders in the Bank. After the money was deposited in the Bank account of the petitioner, his telephone number was found to be switched off and he was not to be found.

Precisely for this reason, the subject F.I.R. has been lodged in which the petitioner has been made accused along with the CSP organizer who had made available to the informant the bank account number of the petitioner.

The petitioner has a totally different story to narrate. He runs a cyber-cafe and had helped somebody



in need by giving a loan of Rs.40,000/- for the treatment of his ailing mother. Later, the aforesaid amount was credited in his bank account.

The learned counsel for the petitioner has submitted that the apprehension in the mind of the police party of the petitioner having kept 1 Kg of gold is absolutely without any basis or foundation. The petitioner has not been made accused in any case so far uptill now. He has further submitted that if any amount was deposited in his bank account without his having contrived for such deposit, the offences for which the petitioner has been charged in this case cannot be said to have been made out. It is further submitted on behalf of the petitioner that according to the F.I.R., one Vikash Yadav had already been arrested or whether any case was registered against Vikash Yadav or whether the petitioner is also wanted in that case is also not known. It appears, it has been argued, the officer-in-charge has acted in a naive manner in depositing money in the account of the petitioner which amount has now been taken out after the account number of the petitioner had been freezed. The petitioner, according to his knowledge, is not wanted in any other case relating to theft or of unauthorized possession of gold.”

On that day, case diary had also been called for which has since been received.

Nothing otherwise has been reported in the police papers.

For the reasons aforementioned, the provisional bail granted to the petitioner by order dated 20.01.2022 is hereby



confirmed.

The petitioner shall remain on the same bail bonds.

The application stands allowed accordingly.

(Ashutosh Kumar, J)

rishi/-

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

