

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29248 of 2022**

Arising Out of PS. Case No.-163 Year-2022 Thana- SHEKHPURA District- Sheikhpura

Tuntun Kumar Son of Late Jai Kishor Prasad @ Jayakishor Chaudhari,
Resident of Village and P.O.- Pain, P.S. and District- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Madhura Nand Jha, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 29-08-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 467, 468, 471, 419, 420 and
414 of the Indian Penal Code.

According to prosecution case, on the basis of written
report of the informant A.S.I. Hirday narayan Pandey alleging
therein that on 04.04.2022 when he was on patrolling and in
course of patrolling, he was going towards village Pain from
Matokhar he found four persons standing aside the road in
lonely place. Seeing the police vehicle, they tried to flee but
police personnel chased and caught F.I.R. named accused



persons and on search, police officials recovered several A.T.M. cards, P.T.M. cards several numbers of mobiles and cash from their possession as per seizure list. On interrogation, they admitted that they were involved in Cyber crime and by sending messages, they used to cheat people and withdraw money by Thuging from their accounts. They further stated that Satendra Kumar, Uday Kumar and Piyush Kumar are also members of the gang who have kept the withdrawn amount at their homes. There houses were also searched and huge amount of money, several mobiles and two motorcycles were recovered from their houses also.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that nothing incriminating article has been recovered from the possession of the petitioner and only on the basis of suspicion the petitioner has falsely been implicated in the present case. He further submits that the wife of the petitioner has filed a petition before the S.P., Sheikhpura in which she has stated that her husband was actually returning from Barbigha after watching cricket tournament in the evening when the police chased some off the co-villager and alongwith



them they arrested the petitioner also without any fault at the part of the petitioner. He further submits that nothing has been recovered from the conscious possession of the petitioner and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 05.04.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Sheikhpura P.S. Case No. 163 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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