

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38518 of 2021

Arising Out of PS. Case No.-210 Year-2021 Thana- ARA NAGAR District- Bhojpur

1. Vikky Kumar Son Of Nandlal Ji Yadav Resident Of Village - Jurabganj, Ward No.- 1, P.S.- Korha, District - Katihar.
2. Chhotu Kumar Son Of Late Nandlal Yadav Resident Of Village - Jurabganj, Ward No.- 1, P.S.- Korha, District - Katihar.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 39075 of 2021

Arising Out of PS. Case No.-210 Year-2021 Thana- ARA NAGAR District- Bhojpur

1. Dharam Yadav S/O Kapoor Yadav R/O Village- Jurabganj, Ward No. 01, P.K.- Korha, District- Katihar.
2. Abhimanyu Kumar Yadav @ Abhimanue Kumar Yadav S/O Kapoor Yadav R/O Village- Jurabganj, Ward No. 01, P.K.- Korha, District- Katihar.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 38518 of 2021)

For the Petitioner/s : Mr. Chhote Lal Mishra, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 39075 of 2021)

For the Petitioner/s : Mr. Patanjali Rishi, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 28-02-2022 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by Stamp Reporter within two weeks after start of normal functioning of the Court.

Heard Mr. Chhotelal Mishra, learned Advocate for the petitioners and Mr. Ajit Kumar, learned APP for the State in Cr. Misc. No. 38518 of 2021 and Mr. Patanjali Rishi, learned



Advocate for the petitioners and Mr. Md. Matloob Rab, learned APP for the State in Cr. Misc. No. 39075 of 2021.

Altogether 4 accused are the petitioners in both the applications and they are seeking regular bail in connection with Ara (Town) P.S. Case No. 210 of 2021 registered for the offences punishable under Sections 414, 467, 368, 469, 471, 472, 420, 419/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that save and except mere suspicion that these petitioners were involved in commission of cyber crime, there is no other material to connect them with commission of any offence of that nature. It is submitted that from the seizure list, it would appear that altogether 15 mobile sets are said to have been seized from house of one Thakur Rai in whose house these petitioners were allegedly living as tenants.

Learned counsel submits that in course of investigation, the I.O. has not found any use of these mobile phones to commit fraud and no person who might have been defrauded could be identified. These petitioners have otherwise no criminal antecedent and they are in custody since 11.03.2021.

Learned APP for the State has opposed the prayer for regular bail of the petitioners. It is submitted that recovery of 15 Nos. of mobile sets indicate that these petitioners were involved in



commission of cyber crime and they were planning to do so in the room when they were arrested. On query made by this Court as to whether the I.O. has collected any material showing that these mobiles have been used to play fraud upon the people and in this connection whether any material has been collected, learned APP categorically submits that on this point there is no material in the diary.

Having regard to the submissions noted hereinabove wherein no material showing use of mobile phones have been brought to the notice of this Court, the petitioners are in custody for almost one year, investigation against them is complete and their presence may be secured in course of trial, this Court directs release of the petitioners above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Ara (Town) P.S. Case No. 210 of 2021, subject to the condition as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioners. 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

