

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40062 of 2022

Arising Out of PS. Case No.-51 Year-2022 Thana- KASHICHAK District- Nawada

1. TIPU KUMAR Son of Shambhu Singh R/o- Village- Parvati, P.S.- Kashichak (Sahpur O.P), District- Nawada
2. Dharmendra Kumar Son of Shambhu Singh R/o- Village- Parvati, P.S.- Kashichak (Sahpur O.P), District- Nawada
3. Amaresh Kumar @ J.P. Son of Sri Narendra Singh R/o- Village- Parvati, P.S.- Kashichak (Sahpur O.P), District- Nawada
4. Mantush Kumar Son of Banaras Mahto R/o- Village- Parvati, P.S.- Kashichak (Sahpur O.P), District- Nawada
5. Bishwanath Prasad Son of Banaras Mahto R/o- Village- Parvati, P.S.- Kashichak (Sahpur O.P), District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 41540 of 2022

Arising Out of PS. Case No.-51 Year-2022 Thana- KASHICHAK District- Nawada

BINAY KUMAR @ KARU S/o Vijay Choudhary R/o village- Parwati, P.S.- Kashichak (Shahpur O.P.), District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 42154 of 2022

Arising Out of PS. Case No.-51 Year-2022 Thana- KASHICHAK District- Nawada

1. ROHIT KUMAR Son of Satendra Prasad Chaurasiya @ Satendra Chaurasiya Resident of village - Parwati, P.S.- Kashichak (Shahpur O.P.), District - Nawada
2. Rahul Kumar Son of Satendra Prasad Chaurasiya @ Satendra Chaurasiya Resident of village - Parwati, P.S.- Kashichak (Shahpur O.P.), District - Nawada

... .. Petitioner/s

Versus



The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 40062 of 2022)

For the Petitioner/s : Mr. Saurav Anand

For the Opposite Party/s : Mr. Nirmal Kumar Sinha

(In CRIMINAL MISCELLANEOUS No. 41540 of 2022)

For the Petitioner/s : Mr. Pramod Kumar Verma

For the Opposite Party/s : Mr. Bhanu Pratap Singh

(In CRIMINAL MISCELLANEOUS No. 42154 of 2022)

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Mr. Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-11-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Vide order dated 10.11.2022, the bail application as
against petitioner no.4 and 5 in Cr. Misc.40062 of 2022 was
dismissed as withdrawn.

Now, this application is being heard with regard to the
rest of the petitioners only.

The petitioners apprehend their arrest in a case registered
for the offence punishable under sections 419, 420 of the Indian
Penal, section 66(c), 66(D) of the Information and Technology
Act.

Allegedly, the informant got secret information regarding
commission of forgery and cheating by some miscreants by
giving temptation to innocent persons through mobile.
Thereafter the informant and other police personnel arrived at



the outside field of village Parvati and on seeing police, some persons started escaping, out of them two persons were apprehended on the spot. They disclosed the name of the petitioners. Two mobiles alongwith a list of some persons mentioning mobile numbers of concern persons were recovered from the spot. The allegation against the petitioners is that they alongwith other accused persons are indulged in the act of forgery and cheating by giving temptation for sanctioning bazar loan kusum yojana, water solar plan, petrol pump license and installing tower and also used to cheat money by transferring money in account since several years.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. The petitioners were not apprehended on spot and the name of the petitioners has been disclosed by the apprehended accused. Though the police has recovered two mobiles using four SIM number but the police did not collect the material in scientific investigation to show that anyone was cheated by using that mobile numbers. No



incriminating articles has been recovered from the possession of the petitioners. He further submits that there is no compliance of section 100 Cr.PC. Petitioners have no criminal antecedent, as also mentioned in para-3 of the bail applications.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioners named above on bail. The prayer for grant of anticipatory bail on behalf of the petitioners is rejected.

These instant applications are dismissed.

(Anjani Kumar Sharan, J)

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