

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42979 of 2022

Arising Out of PS. Case No.-30 Year-2022 Thana- NAWADA District- Nawada

SHUBHAM KUMAR S/O SUBODH SAO Resident of village- Bihita Kettashal, P.S.- Bihita, District- Patna, at present Ganghara Niwas, Vasant Vihar Colony, Boring Roadm P.S.- S.K. Puri, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Basant Kumar Singh
	:	Mr. Vishesh Kumar Singh
For the Opposite Party/s	:	Mr.Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-11-2022 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.

Learned counsel for the petitioner is directed to make necessary correction in Para 9 of the bail petition.

The petitioner seeks bail in connection with Nawada Town P.S. Case No. 30 of 2022 registered for the offences punishable under Sections 420 and 379 of the Indian Penal Code.

As per prosecution case, the informant received a call from mobile no. 8276073310 which was displaying the name of Kajaria Ceramic Limited. The caller asked him to pay



the money then the informant deposited the money through NEFT into the account given by the caller bearing Account No. 309015346265, IFS Code No. RATN0000088, UTR No. SBIN321361715782.

Learned counsel for the petitioner submits that petitioner is in custody since 24.02.2022. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner is not named in the F.I.R. His name has been transpired on the basis of self confessional statement which has no evidentiary value. From perusal of the F.I.R., it is evident that no amount is mentioned which was demanded from the informant or which was paid to the alleged account through NEFT. Learned counsel further submits that from perusal of the F.I.R., it is apparent that allegation levelled against the mobile number 8276073310 and the holder of A/c No. 309015346265. The petitioner is neither the account holder of the alleged account nor has any concern with the said mobile number. The said account is in the name of one Rozi Parveen, who was working with the petitioner in the event management, in order to save her skin implicated the present petitioner in this case.



Nothing has been recovered from the conscious possession of the petitioner. Learned counsel further submits that in the light of the facts and circumstances of the case, no case under Section 420 or 379 of the Indian Penal Code is made out against the present petitioner. The counsel further submits that the petitioner is not beneficiary of the amount transferred as alleged in the F.I.R.

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

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, petitioner is not the beneficiary to the alleged amount as submitted, keeping in view clean antecedent of the petitioner, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner 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, Nawada in connection with Nawada Town P.S. Case No. 30 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)

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