

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40460 of 2022

Arising Out of PS. Case No.-240 Year-2021 Thana- KASHICHAK District- Nawada

ATUL KUMAR Son of Bodhan Singh Resident of Village - Bhagwatpur, P.S.-
Kashichak, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 40745 of 2022

Arising Out of PS. Case No.-240 Year-2021 Thana- KASHICHAK District- Nawada

RAHUL KUMAR Son of Sri Vishundev Singh R/o Village Bhagwatpur, P.S.-
Kashichak, Shahpur O.O Dist.- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 45263 of 2022

Arising Out of PS. Case No.-240 Year-2021 Thana- KASHICHAK District- Nawada

GULSHAN KUMAR Son of Ram Anugrah Singh R/o vill- Bhagwanpur, P.S.-
Kashichak, Distt.- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 40460 of 2022)

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 40745 of 2022)

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

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 45263 of 2022)

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-12-2022

CRIMINAL MISCELLANEOUS No.40460 of 2022

Heard learned counsel for the petitioner and learned

A.P.P. for the State.



The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 419, 420 of the Indian Penal Code and Sections 66(c) and 66(D) of IT Act.

The informant alleges that one Fulsan Kumar was arrested who disclosed the name of the accused persons including the petitioner and also disclosed that they cheat people by giving allurements of giving license of petrol pump, four-wheeler as price, installing towers, etc. and their leader is one Gulshan Kumar, further, they deposit money in a fake account with SBI as detailed in the FIR and distribute the money among themselves, further, from his possession three mobile and two sims were recovered.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and is a young boy aged about 24 years. Learned counsel further submits that the petitioner has been falsely implicated in the present case, it is next submitted that he was not arrested from the place of occurrence, it is next submitted that he came to be implicated based on confessional statement of co-accused in police custody which does not have any evidentiary value, it is next submitted that at the cost of repetition that petitioner is a person with clean antecedent and is a young boy aged about 24 years and his entire career would be jeopardized if he is sent to the jail and chances are bright that he may come in contact with hardened criminals, it is also very fairly



submitted that the petitioner will not evade the law, rather, will cooperate in the investigation and will present himself as and when required by the Investigating Officer of the case.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Kashichak P.S. Case No. 240 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

One of the bailor shall be the father of the petitioner Bodhan Singh.

Further, if the Investigating Officer of the case files and application before the learned Trial Court bringing it its notice that the petitioner despite giving assurance to this Court is not cooperating in the investigation or is not presenting himself when called for by him, the learned Trial Court, after giving an opportunity of hearing to the petitioner shall pass orders in accordance with law and shall also be entitled to cancel the bail



bonds of the petitioner and to take all coercive steps to ensure that he is behind bars.

The learned Trial Court is directed to send a copy of this order to the concerned P.S.

CRIMINAL MISCELLANEOUS No. 40745 of 2022

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 419, 420 of the Indian Penal Code and Sections 66(c) and 66(D) of IT Act.

The informant alleges that one Fulsan Kumar was arrested who disclosed the name of the accused persons including the petitioner and also disclosed that they cheat people by giving allurements of giving license of petrol pump, four-wheeler as price, installing towers, etc. and their leader is one Gulshan Kumar, further, they deposit money in a fake account with SBI as detailed in the FIR and distribute the money among themselves, further, from his possession three mobile and two sims were recovered.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and is a young boy aged about 23 years. Learned counsel further submits that the petitioner has been falsely implicated in the present case, it is next submitted that he was not arrested from the place of occurrence, it



is next submitted that he came to be implicated based on confessional statement of co-accused in police custody which does not have any evidentiary value, it is next submitted that at the cost of repetition that petitioner is a person with clean antecedent and is a young boy aged about 24 years and his entire career would be jeopardized if he is sent to the jail and chances are bright that he may come in contact with hardened criminals, it is also very fairly submitted that the petitioner will not evade the law, rather, will cooperate in the investigation and will present himself as and when required by the Investigating Officer of the case.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Kashichak P.S. Case No. 240 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

One of the bailor shall be the father of the petitioner Bodhan Singh.



Further, if the Investigating Officer of the case files and application before the learned Trial Court bringing it its notice that the petitioner despite giving assurance to this Court is not cooperating in the investigation or is not presenting himself when called for by him, the learned Trial Court, after giving an opportunity of hearing to the petitioner shall pass orders in accordance with law and shall also be entitled to cancel the bail bonds of the petitioner and to take all coercive steps to ensure that he is behind bars.

The learned Trial Court is directed to send a copy of this order to the concerned P.S.

CRIMINAL MISCELLANEOUS No. 45263 of 2022

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 419, 420 of the Indian Penal Code and Sections 66(c) and 66(D) of IT Act.

The informant alleges that one Fulsan Kumar was arrested who disclosed the name of the accused persons including the petitioner and also disclosed that they cheat people by giving allurements of giving license of petrol pump, four-wheeler as price, installing towers, etc. and their leader is one Gulshan Kumar, further, they deposit money in a fake account with SBI as detailed



in the FIR and distribute the money among themselves, further, from his possession three mobile and two sims were recovered.

Learned counsel for the petitioner submits that the petitioner has antecedent of one case but he was acquitted in the said case. Learned counsel further submits that petitioner is a young boy aged about 25 years. Learned counsel further submits that the petitioner has been falsely implicated in the present case, it is next submitted that he was not arrested from the place of occurrence, it is next submitted that he came to be implicated based on confessional statement of co-accused in police custody which does not have any evidentiary value, it is next submitted that at the cost of repetition that petitioner is a person with clean antecedent and is a young boy aged about 24 years and his entire career would be jeopardized if he is sent to the jail and chances are bright that he may come in contact with hardened criminals, it is also very fairly submitted that the petitioner will not evade the law, rather, will cooperate in the investigation and will present himself as and when required by the Investigating Officer of the case.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a



period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Kashichak P.S. Case No. 240 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

One of the bailor shall be the father of the petitioner Bodhan Singh.

Further, if the Investigating Officer of the case files and application before the learned Trial Court bringing it its notice that the petitioner despite giving assurance to this Court is not cooperating in the investigation or is not presenting himself when called for by him, the learned Trial Court, after giving an opportunity of hearing to the petitioner shall pass orders in accordance with law and shall also be entitled to cancel the bail bonds of the petitioner and to take all coercive steps to ensure that he is behind bars.

The learned Trial Court is directed to send a copy of this order to the concerned P.S.

(Satyavrat Verma, J)

HarshPandey/-

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

