

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70459 of 2021

Arising Out of PS. Case No.-662 Year-2021 Thana- BIHAR District- Nalanda

Rishikesh Raj @ Chandan Kumar, Son of Late Dhananjay Prasad, Resident of
Village Panchi, Police Station Shekhopur Sarai, District Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ganesh Sharma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 11-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Bihar P.S. Case No. 662 of 2021 registered for the alleged offences under Sections 341, 323, 420, 379, 386 and 34 of the Indian Penal Code.

As per prosecution case, the informant who runs a Cyber Cafe shop was abducted when he was returning after closing his shop. The miscreants snatched Rs. 1,50,000/- from the possession of the informant and made him transfer Rs. 90,000/- through mobile banking to the account of one of the



miscreants. The miscreants also transferred money from the account of the informant and his wife during the period of two hours in different accounts. The informant was also threatened by the miscreants.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The petitioner is not named in the F.I.R. and his name came up during investigation and his confessional statement has been recorded wherein he allegedly stated that he withdrew the amount of Rs. 92,000/- from the account of the informant and handed over 80,000/- to other co-accused persons. But the fact was not verified by the police that the said account number belongs to this petitioner and whether he withdrew the money from the ATM. Learned counsel further submits that it is even evident from the so called confessional statement that the petitioner was not involved in snatching the money or abducting the informant. Only allegation against him is that Rs. 92,000/- was transferred in account number said to be belonging to this petitioner and he withdrew the amount by card and handed over Rs. 80,000/- to the co-accused persons and himself kept Rs. 12,000 as his share. Learned counsel further submits that the petitioner has nothing to do with the said account in which the



money was transferred and later on withdrawn. The petitioner is data a entry operator in I.G.I.M.S. Patna and he was not involved in the alleged occurrence. Charge sheet has been submitted in this case and the petitioner is in custody since 12.10.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that in the account of this petitioner, money was transferred from the account of the informant and there is no explanation for the same.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the period of custody of this petitioner along with submission of charge sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate or court concerned, Nalanda at Bihar Sharif in connection with Bihar P.S. Case No. 662 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.



(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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