

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4963 of 2023

Arising Out of PS. Case No.-136 Year-2022 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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Sandeep Kumar Son Of Akhilesh Prasad @ Aklesh Prasad @ Parmod Parsad
Resident Of Village - Panchi, P.S.- Sheikhopur Sarai, District - Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brajesh Prasad Gupta, Advocate
For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-05-2023 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with
Sheikhopur Sarai P.S. Case No.136 of 2022 registered for the
offence under Sections 419, 420, 467, 468, 471, 406 and 120-B
read with 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 18.08.2022.

The allegation against the petitioner is to cheat
unknown persons alongwith 37 named co-accused persons by
using mobile, computer and other electronic devices.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner has been falsely implicated in this case



as a matter of chance as raid of police was conducted when he was simply a passer-by thereof. It is submitted that no incriminating material recovered/surfaced from the possession of this petitioner during the course of investigation, which may connect this petitioner, *prima facie*, with the present occurrence of cheating. It is also submitted that seized mobile phone belongs to the petitioner and furthermore petitioner is not appearing beneficiary out of alleged cheating. It is also submitted that similarly situated co-accused, namely Kaliya Mahto @ Raju Prasad, has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No.9909 of 2023 vide order dated 04.05.2023. While concluding the argument, it is submitted that petitioner found involved in one more criminal case, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above and by taking note of the fact that no incriminating material recovered from the possession of this petitioner to



connect petitioner, *prima facie*, with the present allegation of cheating coupled with the fact that charge-sheet has already been submitted, let above named petitioner is directed to be released on bail in connection with Sheikhopur Sarai P.S. Case No.136 of 2022 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, Sheikhpura/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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