

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7985 of 2023

Arising Out of PS. Case No.-560 Year-2022 Thana- PATRAKARNAGAR District- Patna

NISHANT KUMAR Son of Dinesh Kumar @ Dinesh Prasad R/V- Baghi,
P.S- Warshaliganj, Dist- Nawada Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 24-06-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 14.09.2022 in connection with Patrakarnagar P.S. Case No. 560 of 2022, F.I.R. dated 13.09.2022 registered for the offence punishable under Sections 419,420,467,468,471,474,120(B) of IPC and Section 66(c) of the Information Technology Act.

The prosecution case, in short, is that the informant alleged that the petitioner admits that he is engaged in cyber crime and on search 5 ATM /Rupay/Debit Cards of different banks of different persons, identity card, a laptop, a mobile of OPPO Company, a bag and a pulsar motorcycle were recovered from possession of the petitioner.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been



implicated in the present case. Further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. Further submits that nothing has been recovered from conscious possession of the petitioner rather the police has planted the same and shown that the recovery has been made from possession of the petitioner. Further submits that till date no one has filed any complaint before the police or before the Bank with respect to the ATM Card /Rupay/Debit Cards which were recovered as alleged in the FIR from possession of the petitioner. Further submits that nothing has come during investigation against the petitioner to suggest the involvement of the petitioner in any crime and the entire case is mishandling by the police and the police has falsely implicated the petitioner in the present case and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 14.09.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of



the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Patna in connection with Patrakarnagar P.S. Case No. 560 of 2022, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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