

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6405 of 2023

Arising Out of PS. Case No.-141 Year-2021 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

Ashok Mahto @ Ashok Kumar S/O Shideshwar Mahto R/v- Panchi, P.S.-
Shekhopur Sarai, District- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saroj Kumar Choudhary, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
01.12.2022 , in connection with Shekhopur Sarai P.S. Case No.
141 of 2021, F.I.R. dated 18.09.2021 registered for the offences
punishable under Sections 419, 420, 467, 468, 471, 120(B), 34
of the Indian Penal Code.

Allegation against the petitioner is that he is involved
in the commission of cyber crime.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that the allegation as alleged in
the F.I.R. is false and fabricated and the petitioner has not
committed any offence as alleged in the F.I.R. He further



submits that as per allegation in the F.I.R. that the petitioner is involved in the commission of cyber crime. He further submits that it appears from the seizure list that seven mobiles and three Sims have been recovered from the possession of the petitioner and there is non compliance of Section 100 of the Cr. P.C.. Learned counsel for the petitioner further submits that even the prosecution has not come to the conclusion that the aforesaid Sim cards belonged to the other persons or the petitioner and there is no independent witness in the seizure list and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 01.12.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries three more cases other than the present one but fairly submits from paragraph-3 of the petition that the petitioner is on bail in two cases out of three cases.

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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura in connection with



Shekhopur Sarai P.S. Case No. 141 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, 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 antecedents, 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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