

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10346 of 2023

Arising Out of PS. Case No.-589 Year-2022 Thana- SHASTRINAGAR District- Patna

GAUTAM KUMAR Son of Baij Nath Paswan Resident of Surawa Bhadsara,
P.S.- Bikram, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is an accused in connection with Shastri Nagar P.S. Case No. 589 of 2022 registered for the offences under sections 417, 418, 419, 420, 468, 471 and 120(B) of the Indian Penal Code lodged on 11.09.2022 by the informant, Anand Mohan Prasad Yadav.

The prosecution case in short is that on 11-09-2022 informant Anand Mohan Prasad submitted a written report to the S.H.O, Shastrinagar police station alleging that on 10-09-2022 at about 4.15 P.M. he received information that three boys have been caught in the M.R.I Department IGIMS, Patna who committed fraud. Accordingly, he went to M.R.I Department where In-charge Abhishek Kumar handed over three boys



namely, Pappu Kumar, Ram Lagan Kumar and Gautam Kumar. The I.D. recovered from Pappu Kumar showed address of Gautam Kumar but the Passport Size photo of Pappu Kumar was affixed on the said I.D.

Further, Abhishek Kumar told him that Pappu Kumar has taken Rs. 7000/- from the patient on 09-09- 2022. On 10-09- 2022 Pappu Kumar was sent in M.R.I section where on the basis of C.C.TV footage Abhishek Kumar caught the said Pappu Kumar. Pappu Kumar introduced himself as a staff of Hospital and on inquiry produced his I.D. having the address of Gautam Kumar and photo of Pappu Kumar. On inquiry Pappu Kumar confessed that he along with Ram Lagan Kumar and Gautam Kumar are partners in crime. Accordingly, the FIR and arrest.

Learned counsel for the petitioner submits that he is an employee of the hospital (IGIMS, Patna) since 04.04.2020 and one Pappu Kumar used the address of the petitioner affixing his own photo and on the basis of fake I.D, he was taking money from the patient in the name of conducting MRI in the hospital. Accordingly, the private security persons caught hold of Pappu Kumar. He has nothing to do with Pappu Kumar who was caught accepting money.

Learned APP for the State, on the other hand, submits



that his I.D. has been used by Pappu Kumar and as such, he cannot exonerate himself from the allegation.

Considering the fact that the petitioner is in custody since 12.09.2022 (as stated in paragraph-13 of the bail application), do not have criminal antecedent and the allegation against him is that one co-accused, Pappu Kumar used his I.D. to take money from the patients of IGIMS, Patna and said Pappu Kumar has since been released on bail by a co-ordinate Bench in Cr. Misc. No. 11840 of 2023 on 18.03.2023, this Court is inclined to grant him privilege of bail with conditions. If however, it is found that he do have criminal antecedent, the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned A.C.J.M.-IX, Patna in connection with Shastri Nagar P.S. Case No. 589 of 2022, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Neha/-

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