

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11037 of 2023

Arising Out of PS. Case No.-204 Year-2022 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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Utkarsh Kumar @ Golu S/o Gopal Krishna Singh @ Gopal Krishna Resident
of Mohalla- Saur, P.S.- Warisaliganj, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Adv.
For the Opposite Party/s : Mr. Shantanu Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-05-2023 Heard Mr. Jitendra Narain Sinha, learned counsel

appearing on behalf of the petitioner and Mr. Shantanu Kumar,

learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in
connection with Sheikhopur Sarai P.S. Case No. 204 of 2022
registered for the offences punishable under Sections 419, 420,
467, 468, 471 and 120B/34 of the Indian Penal Code.

Allegedly, in course of patrolling, the petitioner was
apprehended and on Breathalyzer Test, he was found to be
drunken. During the course of interrogation, it has come that the
petitioner along with other 5-6 accused persons formed a gang,
which are engaged in committing fraud and cheat the persons on
the pretext of sanction of loan from different company. It is also



alleged that the gang was headed by one Sonu@ Ravishanker and this petitioner was assigned with the work of withdrawing money with the ATM and for every withdrawal, he used to get 500/- from co-accused Sonu@ Ravishanker. It is also come during the course of investigation that a cancer patient was also cheated at the hands of the petitioner and others. In course of search, various SIM cards, ATM cards and other incriminating material has been recovered from the possession of the petitioner.

Submission has been made on behalf of the petitioner that save and except confession made before the police which is hit by Section 25/26 of the Indian Evidence Act, there is no other material, apart from the fact that mere recovery of ATM cards and SIM cards, which were standing in the name of other persons, do not constitute a case of cheating. It is further submitted that the petitioner has no concern with the other accused persons, who are residents of different villages and moreover the petitioner having fair antecedent is in custody since 09.12.2022. It is lastly submitted that now the investigation of the crime is complete and the charge-sheet has been submitted.

On the other hand, learned counsel for the State,



vehemently opposed the bail application and submitted that various incriminating materials have been recovered from the possession of the petitioner, apart from the fact that the victim himself has stated that he was subjected to cheating and fraud at the hands of the petitioner and others.

Regard being had to the submissions made on behalf of the parties and considering the period of custody, coupled with the fair antecedent as also the fact that the investigation of the crime is complete and the charge-sheet has been submitted and, as such, there is no chance of absconding the petitioner and tampering with the evidence, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura in connection with Sheikhopur Sarai P.S. Case No. 204 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.



(iii) He will not try to tamper with the evidence or
intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates
without any cogent reason, his bail bonds will liable to be
cancelled.

(Harish Kumar, J)

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