

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12221 of 2023

Arising Out of PS. Case No.-704 Year-2022 Thana- WARISLIGANJ District- Nawada

1. Suraj Kumar Son of Nandlal Choudhari R/v- Masuda, P.S.- Warisaliganj, District- Nawada
2. Nitish Kumar Son of Ramratan Yadav R/v- Masuda, P.S.- Warisaliganj, District- Nawada

... .. petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 16477 of 2023

Arising Out of PS. Case No.-704 Year-2022 Thana- WARISLIGANJ District- Nawada

Mukesh Kumar S/O Vishnu Mahto @ Vishnudeo Prasad Resident of Village-
Masuda, P.S.- Warisaliganj, District- Nawada.

... .. petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 12221 of 2023)

For the petitioner/s : Mr. Deepak Kumar, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

(In CRIMINAL MISCELLANEOUS No. 16477 of 2023)

For the petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Ms. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-07-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.



Petitioners seeks bail who are in custody since 01.12.2022 in connection with Warisaliganj P.S. Case No. 704 of 2022, F.I.R. dated 30.11.2022 for the offences punishable under Sections 419 and 420 of the Indian Penal Code and Sections 66(b) and 66(d) of the I.T. Act.

According to prosecution case, a raid was conducted in the house of the accused persons namely, Saurav Kumar and Pankaj Kumar and from possession of Saurav Kumar two mobile phone as well as Rs. 30,000/- and from possession of Pankaj Kumar, one mobile phone and Rs. 20,000/- was recovered. It is further alleged that apart from them, these petitioners and other accused persons are also involved in the similar work.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case on the basis of the disclosure made by the co-accused persons, namely, Saurav Kumar and Pankaj Kumar. He further submits that thereafter, the police have conducted raid in the house of petitioners and the police have recovered one mobile phone and the so called customer data from the house of the petitioners. He further submits that there is non-compliance of Section 100 of Cr.P.C. and except



the mobile phone, no other material/document has been received by the police rather the police have planted the same and shown that the so called data have been recovered from the house of the petitioners. He further submits that except the disclosure made by the co-accused persons, no cogent material has come during investigation to suggest the involvement of the petitioners in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioners. He further submits that similarly situated, co-accused, namely, Shiv Shankar Saw has been granted bail by a co-ordinate Bench of their Court vide order dated 05.05.2023 passed in Cr. Misc. No. 14121 of 2023. The petitioners are in custody since 01.12.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, IV, Nawada in connection with Warisaliganj P.S. Case No. 704 of 2022, subject to the following conditions:-



1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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