

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15883 of 2023

Arising Out of PS. Case No.-194 Year-2022 Thana- BASANHI District- Saharsa

=====

ABHISEKH KUMAR @ ABHISHEK KUMAR SON OF RAJ KUMAR RAI
R/O VILLAGE- MADANPUR, P.S.- BAKHTIYARPUR, DISTRICT-
SAHARSA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey

For the Opposite Party/s : Mr.Md. Fahimuddin

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 30-05-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Basnahi

P. S. Case No. 194 of 2022, registered for the offences

punishable under Sections 406 and other allied Sections of

the Indian Penal Code; Section 66(D) of the I. T. Act; and

Section 3 and 11 of the Bengal Bihar Gambling Act.

The prosecution case as emerges from the FIR is

that the petitioner along with his associates were committing

offences like cyber fraud. It is further alleged that they were

working in online gaming company Betbhai9.com and

betbahi.com and their work was making user ID and transfer



the fund in any bank account.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner has been apprehended only on the basis of suspicion. He also submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that the allegation levelled against the petitioner is general and omnibus in nature. He also submits that neither any complaint of cheating has been made before the police nor receipt or documents have been produced by the informant before the police in support of the allegation levelled against the petitioner.

He further submits that the petitioner has been languishing in jail since 14.10.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.



However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. A.C.J.M. III, Saharsa, District – Saharsa, in connection with Basnahi P. S. Case No. 194 of 2022 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.



(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

skm/-

U			
---	--	--	--

