

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19373 of 2023**

Arising Out of PS. Case No.-578 Year-2022 Thana- SHEKHPURA District- Sheikhpura

Vipul Kumar @ Bipul @ SriVipul Singh, Son Of Ramashray Singh, Resident
of Village- Mohabbatpur, PS- Mehus and District- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Shilpi Keshri, Advocate
For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

4 22-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Sheikhpura P.S. Case No. 578 of 2022, registered for the alleged offences under Sections 467, 468, 471, 419, 420 and 406 of the Indian Penal Code.

3. As per prosecution case, the petitioner and other co-accused Dilkhush Kumar were apprehended by the police due to their suspicious activities and on search of this petitioner, five ATM Cards existing in the name of different persons, Rs. 64,000/-, five mobile phones and keys of motorcycles were recovered. From the co-accused Dilkhush Kumar, Rs. 1 lacs, one mobile phone and one ATM Card were recovered. On search of the Scooty of the accused person, further recovery of



Rs. 1 lac was made. The police came to know that the petitioner and other co-accused persons were involved in cheating and fraud which they doing by changing the ATM Cards of the innocent person. The apprehended persons further named two other co-accused in the same activity.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No person, who has been aggrieved by the acts of this petitioner, has come forward to make a complaint against him. The police arrested the petitioner merely on suspicion. Even in the FIR, there is no allegation that the petitioner has committed any offence. There is no allegation that the articles recovered from the petitioner were stolen property. Similarly placed co-accused persons have been granted bail by a Coordinate Bench of this Court vide order dated 18.05.2023 passed in Cr. Misc. No.69813 of 2022 and its analogous case. Another co-accused Ganesh Kumar has been granted bail by the learned court below itself. The petitioner is in custody since 23.09.2022 and the charge sheet has been submitted.

5. Learned A.P.P. opposes the prayer for bail submitting that the petitioner is habitual offender and is accused in number of cases of similar nature.

6. Perused the records.

7. Having regard to the facts and circumstances and



submissions made hereinabove and considering the vague nature of allegation against the petitioner with grant of bail to the similarly placed co-accused persons and further considering the period of custody of the petitioner as well as submission of charge sheet, the petitioner is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura/court concerned, in connection with Sheikhpura P.S. Case No. 578 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

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(Arun Kumar Jha, J)

