

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37488 of 2023

Arising Out of PS. Case No.-330 Year-2018 Thana- GORAUL District- Vaishali

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Gautam Kumar S/O-Brahamdeo Singh Village- Shyampur Ps- patedhi Belsar
PO Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Thakur, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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

3. Petitioner seeks bail who is in custody since
22.01.2023 in connection with Gorul P.S. Case No. 330 of 2018,
F.I.R. dated 11.10.2018 for the offences punishable under
Sections 406, 420, 379 of the Indian Penal Code and Section
66(D) of Information Technology Act.

4. According to prosecution case, 3-4 persons have
changed the informant's ATM card in pretext of helping him and
illegally withdraws Rs. 1,04,398/- from his account and
committed fraud with him.

5. Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R and the name of the petitioner has been transpired on the basis of the confessional statement of the co-accused, namely, Aakash Kumar. He further submits that nothing has been recovered from the possession or the house of the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Aakash Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 21.11.2022 passed in Cr. Misc. No. 36932 of 2022. The petitioner is in custody since 22.01.2023.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in both the cases.

7. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial



Magistrate 1st Class, Vaishali at Hajipur in connection with Gorul P.S. Case No. 330 of 2018, subject to the following conditions:-

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

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