

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34586 of 2023

Arising Out of PS. Case No.-38 Year-2023 Thana- BUNIYAD GANJ District- Gaya

Tinku Kumar Son of Ganesh Prasad Chaurasiya @ Ganesh Badhi Resident of
village - Manjhway, P.S. - Hisua, Distt. - Nawada

... .. Petitioner/s

VERSUS

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vitesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-07-2023 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
05.02.2023 in connection with Buniyadganj P.S. Case No. 38 of
2023, F.I.R. dated 04.02.2023 for the offences punishable under
Sections 406, 420, 467 and 468 of the Indian Penal Code.

4. According to prosecution case, this petitioner along
with other accused persons have entered into a criminal
conspiracy and in pursuance to the said criminal conspiracy they
have transferred Rs. 34,800/- in the bank account of the
informant which was proceeds of a cyber crime.



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 allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that from perusal of the F.I.R. it appears that the petitioner has already deposited Rs. 34,800/- in the account of the informant and the petitioner has not received any amount from the bank account of the informant. He further submits that the only allegation against the petitioner is that when the petitioner has deposited the amount in question in the bank account of the informant, the account of the informant got freezed by the bank. He further submits that there is no allegation of any misappropriation of the amount. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 05.02.2023.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

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 Additional Chief Judicial Magistrate 8th at Gaya in connection with Buniyadganj P.S. Case No. 38 of 2023, 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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