

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28427 of 2022

Arising Out of PS. Case No.-36 Year-2022 Thana- PATRAKARNAGAR District- Patna

Ranjeet Kumar Gupta @ Ranjeet Gupta, Male, aged about 27 years, Son Of Late Paras Sah Resident of Village- Santinager, Kargali Bazar Fushro, P.S.- Bairmo, District- Bokaro, Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 34284 of 2022

Arising Out of PS. Case No.-36 Year-2022 Thana- PATRAKARNAGAR District- Patna

Rajesh Kumar Gupta @ Rajesh Kumar, Male, aged about 26 years, Son Of Ramesh Gupta R/O Village- Kawa Kol Salaya, P.S.- Kawa Kol, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 28427 of 2022)

For the Petitioner/s : Mr. Abhijeet Abhigyan, Adv.
Mr. Kumar Prabhakar, Adv.
Mr. Vikram Anurag, Adv.

For the Opposite Party/s : Ms. Pushpa Sinha, APP

(In CRIMINAL MISCELLANEOUS No. 34284 of 2022)

For the Petitioner/s : Mr. Abhijeet Abhigyan, Adv.
Mr. Kumar Prabhakar, Adv.
Mr. Vikram Anurag, Adv.

For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 25-01-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor appearing for the State of Bihar.

Both the cases arise out of same P.S. Case, therefore, are being considered together by this common order. Petitioners are represented by the same counsel.



The petitioners seek bail in connection with PatrakarNager P.S. Case No. 36/2022 registered for the offence punishable under Section 420, 467, 468, 471, 474, 120(B) of the Indian Penal Code (for brevity 'IPC') and Section 66(c) of the Information Technology Act (for brevity 'I.T.' Act).

The First Information Report (hereinafter referred to as the 'F.I.R.') is based on a written report by the police official alleging that the petitioners have been apprehended from near an A.T.M. From the petitioner, namely, Ranjeet Kumar Gupta, there is alleged recovery of Rs. One lakhs & fifty thousand (Rs. 1,50,000/-) cash, ATM cards, one motorcycle and mobile phone. Whereas from other accused, namely, Rajesh Kumar Gupta, the recovered cash is Rs. Four lakhs & fifty thousand (Rs. 4,50,000/-), several debits cards and two (2) mobile phones.

Learned counsel for the petitioners submits that petitioners have no criminal antecedents. They are businessmen, doing the business of groceries. Recovery of cash is, therefore, only natural from the petitioners, as they were on their way for some business purposes. Recovery of debit cards is denied and disputed. Motorcycle which has been recovered is stated to be registered in the name of relative of petitioner, Ranjeet Kumar Gupta. Further submission is that the recovery is not supported by any seizure memo prepared in accordance with Section 100 of the Code of the Criminal Procedure (for brevity 'Cr.P.C.'). From bare perusal of the written report, it is more than obvious that the offence under Section 66(C) of the I.T. Act, 2000 are not made out. Petitioner's under such circumstances, have been in custody since 24.01.2022. It is also submitted that F.I.R. has been lodged after a delay of one (1) day.

Learned APP for the State has opposed the prayer for bail. It is submitted that petitioners have been arrested with incriminating material.

Considering the rival submissions, nature of accusations, clean



antecedents and the period of custody, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners’ counsel. Prayer for bail of the petitioners is allowed.

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 A.C.J.M. VIII, Patna, in connection with Patrakarnager P.S. Case No. 36 of 2022, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.
- (ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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