

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38463 of 2023

Arising Out of PS. Case No.-15 Year-2023 Thana- KINJAR District- Jehanabad

BHISHM PRATAP Son of Upendra Singh Resident of village - Mathiapur,
P.S. - Khiri More, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyamal Prakash, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-07-2023 Heard learned counsel appearing on behalf of the parties.

2. The petitioner seeks bail in connection with Kinjer P.S. Case No. 15 of 2023 registered for the offence under Sections 379 and 420 of the Indian Penal Code and Sections 66(C) and 66(D) of the Information Technology Act.

3. The accused/petitioner is not named in the F.I.R. and is in custody since 06.02.2023.

4. The allegation against the petitioner is to fraudulently withdrawn Rs. 35,000/- from the bank account of the informant along with other co-accused persons.

5. Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced, during course of investigation, on the basis of confessional statement of



co-accused person, namely, Raushan Kumar, who has already granted bail by one of the learned co-ordinate Bench of this Court, through Cr. Misc. No. 33082 of 2023 dated 22.06.2023. It is submitted that only incriminating material, which alleged to be recovered, is mobile phone, which was recovered from poultry farm, which is an open place and moreover, the said recovered mobile found not connected in any manner with this petitioner, negating his involvement in present case. While concluding the argument, it is submitted that petitioner was named in 03 subsequent case of similar nature, on the basis of confessional statement of other co-accused, as of present case, having otherwise no bearing over the merit of the case.

6. Learned APP appearing on behalf of the State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of fact that save and except confessional statement, nothing incriminating material appears, *prima facie*, as to connect this petitioner with present occurrence coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 06.02.2023, let the petitioner, above named, is directed to be released on bail in connection with Kinjer P.S. Case No. 15 of 2023 on furnishing



bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Arwal/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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