

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36761 of 2023

Arising Out of PS. Case No.-28 Year-2022 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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Nitish Kumar @ Khitri S/O Late Sitaram Mahto R/O Vill. Panchi, PS.
Shekhopur Sarai, Dist. Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Nandan Prasad
For the Opposite Party/s : Mr. Akshay Lal Pandit

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 05-07-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with

Shekhopur Sarai P.S. Case No. 28 of 2022, registered for

the offences punishable under Sections 419, 420, 467, 468,

471, 120(B) and 34 of the Indian Penal Code.

The prosecution case as emerging from the FIR is

that about 7-8 persons were involved in cyber crime to cheat

the people by alluring for license of the play boy and were

also working in Himalaya Company. It is further alleged that

when the police party reached at Village Panchi near

Chakpar Khanda, 5-6 miscreants after seeing them tried to



flee away but one of them was caught and on search mobile numbers of 1500 customers and other articles were recovered.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner was not arrested on spot and his name has transpired only in the alleged confessional statement of one co-accused, namely, Nitish Kumar who was arrested on the spot. He also submits that nothing has been recovered from the conscious possession of the petitioner and the whole case is based only on suspicion.

He further submits that the petitioner has been languishing in jail since 14.04.2023.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in one other case.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has moved this Court earlier for anticipatory bail vide Cr. Misc. No. 6409 of 2023.

However, Ld. APP for the State vehemently



opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. concerned Trial Court in connection with Shekhopur Sarai P.S. Case No. 28 of 2022, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court



below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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