

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40740 of 2023

Arising Out of PS. Case No.-136 Year-2022 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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NARAYAN KUMAR son of Abdesb Prasad @ Avdhesb Prasad Village-
Panchi, Ps- Shekhopur Sarai Dist- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 40768 of 2023

Arising Out of PS. Case No.-136 Year-2022 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

=====

TUNNI MAHTO @ SUMAN SAKET son of Late Arjun @ Kunal Mahto @
Arjun Prasad Village- Panchi Ps- Shekhopur Sarai Dist- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 40740 of 2023)

For the Petitioner/s : Mr. Lalan Kumar, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 40768 of 2023)

For the Petitioner/s : Mr. Syed. Rizwanul Haque, Advocate

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-07-2023 Heard the parties.

The petitioners are apprehending their arrest in
connection with Shekhopur Sarai P.S. Case No. 136 of 2022 for
the offence under Sections 419, 420, 467, 468, 471, 406 and
120(B)/34 of the I.P.C. lodged on 17.08.2022 by the informant,
Pramod Kumar.



As per the prosecution story, on secret information that some miscreants have assembled at 'Shailesh Asthan' to commit cyber crime, the informant along with other police personnel reached there and on seeing the police party, 30-40 accused persons started fleeing away but 3-4 persons were apprehended on the spot who disclosed the names of other accused including these petitioners. Accordingly, the F.I.R.

It has been contended by the learned counsel for the petitioners that while the petitioner in Cr. Misc. No. 40740 of 2023 is a student of I.T.I. and the petitioner Tunni Mahto in Cr. Misc. No. 40768 of 2023 is a farmer, they have been falsely implicated in this case and both the petitioners do not have criminal antecedent.

The last submission is that similarly placed co-accuseds have since been released on anticipatory bail as contained in Annexure-3 Series.

Learned APP opposes the prayer.

Taking into account the the aforesaid submissions put forward by the learned counsel for the petitioners as also that some of the co-accuseds have since been granted the same relief and both of them do not have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail with



conditions.

Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned C.J.M, Sheikhpura, in connection with Shekhopur Sarai P.S. Case No. 136 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

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