

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40754 of 2023

Arising Out of PS. Case No.-51 Year-2023 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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BITTU KUMAR S/O RAJESH RAM R/O Village- Mohabbatpur, P.S-
Shekhopur Sarai, Distt.- Sheikhpura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary
For the Opposite Party/s : Mr.Satya Nand Shukla

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-07-2023 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

2. This is an application for grant of anticipatory bail in
connection with Shekhopur Sarai P.S. Case No. 51 of 2023,
registered for the offence punishable under Sections 419, 420,
467, 468, 471, 120(B), 34 of the Indian Penal Code.

3. The allegation is regarding the informant having received
secrete information that one Prince Kumar of village
Mohabbatpur along with his associates is engaged in cyber
crime and has committed cyber fraud by alluring general public
in the name of approving home loan, whereafter the informant
along with police force had reached Mohabbatpur village on the
alleged date and time of occurrence and had surrounded the



house of Prince Kumar, whereupon the said Prince Kumar was arrested and search was made, leading to recovery of three mobile phones and one SBI Kiosk card. It is further alleged that upon interrogation, the said Prince Kumar had disclosed the name of his accomplices including that of the petitioner herein.

4. The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that neither any incriminating articles have been recovered from the possession of the petitioner nor there is any evidence on record to suggest the complicity of the petitioner in the alleged occurrence and merely, his name has transpired in the present case, upon confessional statement made by the co-accused person, namely, Prince Kumar, which has got no evidentiary value in the eyes of law.

5. Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, taking into account the materials available on record as also considering the fact that neither the petitioner has been



arrested from the spot nor any incriminating articles have been recovered from him / his house and moreover, his name has transpired in the present case upon the confessional statement made by the co-accused person, namely, Prince Kumar, which has got no evidentiary value in the eyes of law, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Sheikhpura, in connection with Shekhopur Sarai P.S.Case No. 51 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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