

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49517 of 2023**

Arising Out of PS. Case No.-120 Year-2023 Thana- KASHICHAK District- Nawada

Lalan Mistri S/O Ramvriksh Mistri R/O Village- Gospur, Ps. Warisaliganj,
Dist. Nawada.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Manoj Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 10-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 20.05.2023 in connection with Kashichak (Shahpur O.P.) P.S. Case No. 120 of 2023, F.I.R. dated 19.05.2023 for the offences punishable under Sections 419, 420, 467, 468, 471, 414, 120(B) of the Indian Penal Code read with Section 66(B)(C)(D) of I.T. Act.

3. According to prosecution case, as per the written report of the informant alleging therein that on 19.05.2023 at about 14:05 hours, he along with other police personnel proceeded from the police station for conducting raid. It is said that at about 15:00 hours he received information that in the Orchard of Bhushan Sao situated west of village Bojhama, two



persons are engaged in cheating through mobile. A raid was conducted at about 16:00 hours and two persons were found there who tried to flee away seeing the police party.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that on search from the pocket of petitioner one A13 mobile and two paper sheet in which the name of the different persons was mentioned have been recovered from the possession of the petitioner. He further submits that merely on the basis of suspicion it was believed by the police that the petitioner indulged in the bank fraud matters so he has falsely been implicated in the present case. He further submits that except the suspicion, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that similarly situated, co-accused, namely, Shailesh Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 01.08.2023 passed in Cr. Misc. No. 47401 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 20.05.2023.



5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-VI, Nawada in connection with Kashichak (Shahpur O.P.) P.S. Case No. 120 of 2023, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the



petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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