

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49349 of 2023

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

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Kundan Kumar, Son of Munna Mahto @ Chandrakant Prasad, Resident of
Village - Mohabbatpur, P.S. - Shekhopur Sarai, Distt. - Shekhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harshit Griyaghey, Advocate
For the Opposite Party/s : Mr. Binod Kumar,. APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this case, the petitioner is apprehending his arrest in connection with Shekhopur Sarai P.S. Case No. 51 of 2023, registered on 27.03.2023 for the offences under Section 419, 420, 467, 468, 471 and 120B/34 of the Indian Penal Code.

3. As per prosecution case, police received secret information about co-accused Prince Kumar indulging in cyber crime. A raid was conducted on the house of co-accused Prince Kumar and he was apprehended and from his possession three mobile phones with different sim cards were recovered apart from one KIOSK Card of SBI. Police also came to know that the co-accused used to commit cheating on pretext of providing



loans etc. The co-accused disclosed the name of this petitioner as one of his associates who was also involved in commission of such offences.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of this petitioner. The petitioner has no concern with co-accused Prince Kumar. Similarly placed co-accused persons, namely, Bittu Kumar and Rajiv Yadav have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 21.07.2023 passed in Cr. Misc. No. 40754 of 2023 and Cr. Misc. No. 37301 of 2023, respectively.

5. Learned APP opposes the prayer for anticipatory bail submitting that the petitioner is having criminal antecedent.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the name of the petitioner surfaced on the disclosure of co-accused and there is no substantive material on record to show his complicity in the offence as alleged, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/-



(Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Shekhpura/ court concerned 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 and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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