

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52617 of 2022

Arising Out of PS. Case No.-289 Year-2021 Thana- CHAPRA TOWN District- Saran

Rajesh Kumar, Son of Shivchandra Sharma, Resident of village - Lahladpur,
P.S.- Patepur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashish Kumar Ranjan, Advocate

For the Opposite Party/s : Mr.Amit Kumar Rakesh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

10 10-02-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Chapra Town P.S. Case No.289 of 2021 instituted for the offence punishable under Sections 419, 420, 467, 468, 120B of the Indian Penal Code.

On 24.05.2021, the informant received an SMS alert on his Mobile No.7488441717 regarding generation of an alternative Mobile No.8578942537 for his salary account maintained in the Bank. The informant complained to the Branch Manager that he had not registered for any such requests, when he was assured that his original mobile number would be activated within 48 hours. On 26.05.2021, he discovered that an amount of Rs.14,55,000/- has been withdrawn from his account and transferred to the account of one Rajesh Manna of Kolkata maintained in another Bank.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case. The alleged



amount was fraudulently transferred to the account of one Rajesh Manna. The petitioner is not named in the FIR. There is no recovery of any incriminating material and the petitioner has been granted bail in Muzaffarpur Town P.S. Case No.487 of 2021. After his arrest in Muzaffarpur Town P.S. Case No.487 of 2021, he has been remanded in other cases mechanically. He is in custody in connection with the present case since 01.12.2021. It is further submitted that in the investigation also, there is no material to suggest that IMEI number of mobile phones recovered from the petitioner had any link with the mobile number of the informant, unlike co-accused Md. Zafar Ekbal.

Learned APP has opposed the prayer. It is submitted that upon his arrest, Aadhar card etc. being incriminating material was recovered from the vehicle in which the petitioner was travelling. Along with co-accused, the petitioner is indulging in such fraudulent activities as is evident from the fact that the petitioner is accused in at least six more cases, as per disclosure made in paragraph 3 of the bail petition.

Considering the rival submissions, the pattern of organized crime likely to affect the public at large, petitioner's criminal antecedents, petitioner's arrest along with others from the same vehicle, from where incriminating articles used for commission of such offences has been seized, and rejection of prayer for bail of co-accused Mr. Zafar Ekbal in Cr.Misc. No.26302 of 2022, this Court, for the present, is not inclined to allow the prayer. This Court would also consider the fact that in Cr.Misc. No.29130 of 2022, petitioner has been granted bail after framing of charges, whereas in this case charges have not been framed. The prayer for bail is rejected, for the present.

Reliance placed by the petitioner's counsel on order



passed in Cr.Misc. No.6726 of 2022 is, in the opinion of this Court, thoroughly misplaced. It is apparent from the order passed in the said case that the petitioner has been granted bail relying on submission advanced on his behalf regarding "having clean antecedents". In the instant case, antecedents of the petitioner has been disclosed, as at least six more cases. The petitioner therefore cannot be extended any benefit on account of grant of bail in Cr.Misc. No.6726 of 2022.

(Madhuresh Prasad, J)

PNM

U		T	
---	--	---	--

