

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55743 of 2022

Arising Out of PS. Case No.-53 Year-2022 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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Dheeraj Paswan Son of Halo Paswan @ Dharmendra Paswan R/V-
Mohabbatpur, P.S- Shekhopur Sarai, Dist- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate.
For the Opposite Party/s : Mr. Anil Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-02-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Bipin Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Sheikhopur Sarai P.S. Case No. 53 of 2022,
registered for the offences punishable under Sections 419, 420,
467, 468, 471, 120B/34 of the Indian Penal Code.

The prosecution case is based on a written report of
the informant alleging therein that the police on secret
information that co-accused Chandan Kumar and other co-
accused persons are indulged in alluring people by projecting



false advertisement in the name of employment in Himalaya Company and also for the agency and in this way they cheated various persons.

Learned counsel appearing on behalf of the petitioner submits that from the FIR, it is evident that the FIR has been instituted by the SHO, Sheikhopur Sarai and no complaint has been filed by the persons, who alleged to have been cheated. He further submits that from the seizure list, it would be evident that the entire recovery has been made from the possession of co-accused Chandan Kumar and so far the petitioner is concerned, his name has transpired only on the disclosure made by co-accused Chandan Kumar, that too before the police. He next submits that even as per the impugned order, it appears that no specific allegation has been leveled against the petitioner and moreover, he is in custody since 29.07.2022, apart from the fact that the investigation of the crime is complete.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner and others co-accused persons are involved in cyber crime, and they have cheated several innocent persons. He further submits that the petitioner is found involved in one another case of identical nature bearing Shekhopur Sarai P.S.



Case No. 139 of 2021.

Regard being had to the submissions made on behalf of the parties and considering the fact that no incriminating material has been recovered from the possession of the petitioner, and he is in custody since 29.07.2022, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura in connection with Sheikhopur Sarai P.S. Case No. 53 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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