

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55101 of 2022

Arising Out of PS. Case No.-392 Year-2022 Thana- PATLIPUTRA District- Patna

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Gaurav Raj @ Sonu @ Ankit Son of Arvind Kumar Singh R/V- Mohjamma,
P.O and P.S- Mahua, Dist- Vaishali (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 17-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
02.07.2022, in connection with Patliputra P.S. Case No. 392 of
2022, F.I.R. dated 02.07.2022 registered for the offences
punishable under Sections 419, 420, 467, 468, 469 and 471
of the Indian Penal Code.

Allegation against the petitioner is of cheating the
owner of Devanti Sweets Misthan Shop by hacking his mobile
phone by providing Rs. 5,00,000/- (Five lacs) loan from Paytm.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that from
bare perusal of the F.I.R. it transpires that the person who is



claimed to be cheated has not come forward to file the present F.I.R. and the present F.I.R. was instituted by the police personnel and there is non compliance of Section 100 of the Cr. P.C. Learned counsel for the petitioner next submits that recently the charge has been framed against the petitioner on 08.09.2022 and till date not a single witness on behalf of the prosecution has been examined and the petitioner is in custody since 02.07.2022.

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

Considering the aforesaid facts that the petitioner has clean antecedent and the charge has already been framed against the petitioner and till date prosecution has not examined any witness, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna in connection with Patliputra P.S. Case No. 392 of 2022, 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 witness, 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 antecedents, 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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