

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64036 of 2023

Arising Out of PS. Case No.-92 Year-2023 Thana- JHAJHA RAIL P.S. District- Lakhisarai

PRAKASH SINGH @ PRAKASH PATEL son of Rajendra Prasad Verma
Village- Katni, PS- Kauakol Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate
	:	Mr. Bipin Kumar, Advocate
For the Opposite Party/s	:	Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 18-10-2023 1. Heard learned Sr. Counsel for the petitioner and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Rail Jhajha PS case no. 92 of 2023, disclosing offences punishable under Sections 395, 120B of the Indian Penal Code.
3. The case of the prosecution, in brief, is that two months ago, one Sukul Sao, s/o Late Kailash Sao, r/o Lakhisarai called the informant on mobile phone and told him that he would manage coal mines in favour of the informant at Jharkhand, if informant would invest Crores of rupees. Upon this assurance, informant came to Ranchi from Haryana and met Sukul Sao at Chanakya Hotel and the said Sukul Sao told him



that he would arrange licence for the informant. Thereafter, on 18.02.2023, the informant was introduced with one Sara Madam and the informant gave Rs. 50 lacs in cash to her. It has further been alleged that again, on request of Sukul Sao, the informant deposited Rs. 10 lacs on 17.03.2023 in the Indian Bank account of Sukul Sao. On 29.03.2023, the informant came at Deoghar along with his uncle Jasvir Singh to meet Sukul Sao. Sukul Sao met the informant at Tower Chowk in a Hotel at Deoghar and told him to pay Rs. 40 lacs in the bank account as directed by Sukul Sao and the money was deposited on-line. After 15-20 minutes, Sukul Sao told the informant that he would not get the licence of coal mines and he would return his money. It has further been alleged that Sukul Sao came with a trolley bag, in which money was kept and the informant along with Mukesh Thakur and Tanik Verma boarded the train. When the train arrived at Jhajha railway station, four police personnel came there and took away informant's trolley bag containing lacs of rupees, returned by Sukul Sao. When the informant resisted to police personnel then Mukesh Thakur and Tanik Verma threatened the informant and told him to return to Delhi otherwise he would be killed. The police personnel and other accused persons fled away with the money of the informant kept



in the trolley bag.

4. Learned Senior Counsel for the petitioner submits that the petitioner is not named in the F.I.R. It is further submitted that the only allegation against the petitioner is that petitioner was found talking with Sukul Sao on his mobile phone, frequently. It is next submitted that the Additional District & Sessions Judge-II, Lakhisarai has rejected the bail application of the petitioner merely on the ground that the petitioner talked to Sukul Sao for about 19 times and to Tanik Verma for almost 40 times, meaning thereby that he was involved in the conspiracy of the present crime. Petitioner is stated to be having clean antecedent. Lastly, it is submitted that a bare perusal of the F.I.R. does not disclose conspiracy on the part of the petitioner.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the allegation made in the First Information Report, in which the informant has narrated the entire story from the very beginning, from which, it transpires that Sukul Sao and others named duped the informant and the petitioner is not named in the F.I.R., I am inclined to grant the privilege of anticipatory bail to the petitioner.

6. This application is, accordingly, allowed.

7. Let petitioner, abovenamed, in the event of his



arrest or surrender before the Court below within four weeks, 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 learned Additional Chief Judicial Magistrate, Kiul in connection with Rail Jhajha PS case no. 92 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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