

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69133 of 2022

Arising Out of PS. Case No.-209 Year-2021 Thana- KURTHA District- Jehanabad

Ashwani Kumar @ Vishwajit, S/o Dinesh Prasad, R/O Village- Fatha, P.S.- Warsliganj, Distt- Nawada (Bihar).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Digvijay Kumar Ojha, Advocate
For the Opposite Party/s : Mr.Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 27-04-2023 Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

The accused/petitioner is not named in the F.I.R. and apprehending his arrest in connection with Kurtha P.S. Case No. 209 of 2021 registered for the offences punishable under Sections 379, 420 of the Indian Penal Code and Section 66(C) (D) of IT Act, 2000.

The allegation against petitioner is to cheat informant for Rs. 26,400/- alongwith other co-accused persons in the name of loan, sanctioned on behalf of industry department.

Learned counsel appearing on behalf of the petitioner



submitted that save and except, confessional statement of co-accused, namely Pankaj Singh, nothing surfaced against this petitioner till now. It is further submitted that entire bank transactions was made with the bank account of main co-accused, namely, Pankaj Singh. It is also submitted that passbooks which were recovered from the house of petitioner is of his father and brother, besides other documents which belongs to this petitioner. It is also submitted that no incriminating material recovered in furtherance of confessional statement of co-accused, Pankaj Singh, who named this petitioner, which may connect petitioner, *prima facie*, with the present occurrence. While concluding the argument, it is submitted that petitioner is a man of clean antecedent.

Learned APP opposes the prayer of bail.

Considering the aforesaid facts and circumstances, as save and except, confessional statement of co-accused nothing incriminating material appears to be recovered from the house of petitioner, as per seizure list, who is a man of clean antecedent, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks from the date of order, is directed to 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 the learned C.J.M.,
Jehanabad/concerned Court, where the case is pending in
connection with Kurtha P.S. Case No. 209 of 2021, subject to
the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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