

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73456 of 2022**

Arising Out of PS. Case No.-526 Year-2022 Thana- BANKA District- Banka

AKASH KUMAR @ AAKASH KUMAR Son of Ashok Kumar Manjhi
Resident of Village- Khanpur Mal, P.S.- Bath, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surya Swetabh, Advocate
For the Opposite Party/s : Mr.Binod Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 17-04-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is in judicial custody in connection with Banka P.S. Case No. 526 of 2022 instituted under Sections 419, 420, 467, 468, 471 and 120(B)/34 of the I.P.C. and Section 25(1-B), a, 26, and 35 of the Arms Act lodged on 17.08.2022 by the informant Satyajeet Kumar.

As per the FIR, on 17.08.2022 at about 10.05 hours, the informant along with other police officials proceeded from police station for patrolling. During patrolling, at about 12.30 hours the S.H.O. Banka gave secret information that on the lower table of Anurag Guest House, a person named Gola Yadav Saw and Alka Kumari have taken room on rent for Central and District level schemes like PMAY, Indra Awas Yojana, PDS and



others. It was further alleged that in the name of getting the youths involved in various schemes by pretending to be welfare schemes or jobs, they are being duped.

In this regard, after informing the superior police officer, the informant along with his sub-ordinates surrounded the Guest House and caught five people while two others managed to escape. At the time of arrest, they were in full uniform of Bihar Police. On being asked name from them the woman told her name as Anita Devi, the petitioner Akash Kumar, Juli Kumari, Ramesh Kumar and Vakil Manjhi. They gave the name of persons escaped as Bhola Yadav and Alka Kumari.

Thereafter, in the presence of locals and police officials search was made on the above said persons found Anita Devi wearing Bihar Police Uniform and the holster in the belt of the uniform was, one countrymade pistol. Akash Kumar was wearing police uniform found with Realme Company mobile phone with Airtel SIM no. 9122444115, Vakil Manjhi found with Samsung Company mobile with Airtel SIM no. 7209425245 and one countrymade pistol without any paper.

Thereafter in the presence of present witnesses started searching of the said room in which the accused persons were



present and during search the police officials found five seals, three banner flex, Panji Register 13. six cheques of UCO Bank, PDS application form, Nirwahan Praman Patra etc, id proof of Gola Yadav, Notary Sapath patra Pradhan Mantri Awas Yojna. Thereafter on the presence of witnesses seizure lists were prepared and the accused persons were arrested. Accordingly, the FIR.

It is the submission of the learned counsel for the petitioner that he himself was cheated of Rs.90,000/- by the said company and as such he is himself a victim in the case.

Learned APP opposes the prayer stating that the innocent have been duped the amount.

Taking into account the aforesaid facts of the case as also the fact that the petitioner was also working as an agent, is 21 years of age and as per para-12 is in custody since 18.08.2022, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Banka P.S. Case No. 526 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Banka, subject to following conditions:



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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