

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8232 of 2024

Arising Out of PS. Case No.-537 Year-2023 Thana- BARBIGHA District- Sheikhpura

1. Rishikesh Kumar, Son Of Ramesh Singh, Resident Of Village- Pinjri, P.S.- Barbigha, Dist- Sheikhpura.
2. Rishu Kumar, Son Of Ramesh Singh, Resident Of Village- Pinjri, P.S.- Barbigha, Dist- Sheikhpura.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Bipin Kumar, Advocate
For the Opposite Party : Mr. Uma Nath Mishra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 19-03-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Barbigha P.S. Case No. 537 of 2023 dated 22.12.2023 registered for the offences punishable under Sections 419, 420, 467, 468, 120B of the I.P.C. and Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. As per the prosecution case, on receiving secret information, police caught the co-accused Suraj Kumar on spot and Rishikesh Kumar (petitioner no. 1) and Rishu Kumar (petitioner no. 2) managed to escape from the place of occurrence. Thereafter, police recovered one Dell Company



Laptop, one country made pistol, four live cartridges, one IDFC Bank ATM Card bearing No. 4013472311397614 which is in the name of Ram Rajak, one SBI ATM Card bearing No. 65229440155640058 which is in the name of Shashi Kumar, one ICICI Bank ATM card bearing No. 4017043662011397, one IDFC Bank ATM card bearing No. 4011384607436190 which is in the name of Niyamat Ali, one PNB ATM card bearing No. 5085461088741492 in the name of Rishu Kumar, one golden colour Samsung mobile, one golden colour keypad mobile and one blue colour Redmi mobile having Airtel SIM No. 8380007613 were recovered from the hut. A blue coloured mobile of Redmi Company was also recovered from the possession of the said co-accused Suraj Kumar. On inquiry, the co-accused Suraj Kumar disclosed that he alongwith the petitioners committed cyber fraud on people for providing loans in the name of Bajaj Finance Company, Aditya Birla Finance Company and SBI Bike Insurance Company. He withdraws the money earned through cyber fraud and provides the SIMs. He told that the Redmi blue coloured mobile belongs to Rishikesh Kumar (petitioner no. 1). Analysis of Rishikesh Kumar's mobile revealed fake approval letter, fake message on Online transaction, fake ID, fake driving license, fake bank account,



transaction details. Whatsapp chat details, loan approval form, mobile numbers, Aadhaar Card, Pan card etc., were found. The co-accused Suraj Kumar told that the account is provided by Rishu Kumar (petitioner no. 2), in which money transactions are done.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. It is submitted that the petitioners are full blood brothers and they have no concern with the alleged offence. The petitioner no. 1 is a student of L.L.B. and he was not present at the time of place of occurrence whereas the petitioner no. 2 is a student of B. Pharma and he was also not present there. It is further submitted that the alleged place of occurrence is not a hut like house rather it is a water boring where many people used to come for irrigation of crops and field, hence, the petitioners were not present at their village at the time of the alleged occurrence. It is further submitted that the names of the petitioners have sprung up in the present case on the basis of the confessional statement of the co-accused Suraj Kumar. It is further submitted that when the police searched near the place of occurrence then the co-accused Suraj Kumar tried to escape from there and during escaping he threw



the incriminating articles inside the boring of the petitioners. Except for this, there is no substantive evidence to suggest the implication of the petitioners in the present case. The father of the petitioners is an Advocate Clerk in Sheikhpura Civil Court and he has well known about the law. Hence, he is always tried to make the career of his sons bright best and due to jealous attitude of the villagers, the petitioners have been falsely implicated in the present case. The petitioners have clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Sheikhpura, in connection with Barbigha P.S. Case No. 537 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:-

(I) The petitioners are directed to remain physically present before the learned court



below on each and every date, failing which
on two consecutive dates without reasonable
cause, the bail bonds of the petitioners are
liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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