

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22714 of 2024

Arising Out of PS. Case No.-69 Year-2023 Thana- SARE District- Nalanda

Shubham Kumar S/o Mr. Anil Kumar @ Anil Prasad R/o vill - Benar, P.s. -
Sare, Distt. - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ajay Kumar Thakur, Adv. Mr. Vaishnavi Singh, Adv. Mr. Ritwik Thakur, Adv.
For the Opposite Party/s :	Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 20-09-2024 Heard Ms. Vaishnavi Singh, learned counsel for the
petitioner and Mr. Jitendra Kumar Singh, learned APP.

2. The petitioner is in custody in connection with Sare
P.S. Case No. 69 of 2023 for the offence punishable under
sections 420, 379, 411 and 34 of the Indian Penal Code and
Section 66(C)(D) of the I.T. Act lodged on 20.04.2023 by the
informant, Vijay Kumar Singh.

3. As per the prosecution story, the allegation against
the petitioner is that he was caught alongwith 37 ATM Cards, 8
PAN Cards, 8 Aadhar Cards, 13 SIM Cards of Airtel and 7 SIM
Cards of Jio alongwith some mobile phones. The allegation of
police is that he was engaged in cyber crime.

4. Learned Counsel for the petitioner submits that
though there is allegation against him, no one has come forward



to complain that there has been any withdrawal of amount.

5. Learned APP for the State, on the other hand, submits that a bare perusal of the FIR would show that he was caught with 37 ATM Cards and he do not have the answer to the queries, how those ATM Cards were in his bag.

6. In this case, the bail application of the petitioner was rejected on 17.08.2023 in Cr. Misc. No. 51771 of 2023 (Annexure 1 to the petition).

7. This is the second bail application of the petitioner and in that background, considering his period of judicial custody, a report was called for from the concerned Court and as per the report dated 20.08.2024 by the I/C A.C.J.M. Nalanda at Biharsharif, the cognizance has been taken, the charges framed and presently it is pending for prosecution witnesses.

8. Learned counsel for the petitioner submits that he has already remained in custody, there is likelihood of delay in the trial and it is the undertaking that he shall be diligently appearing on each and every date failing which the State shall be free to take steps for the cancellation of the bail bond.

9. Learned APP opposes the prayer for bail submitting that it seems that he has indulged himself in the cyber crime.

10. The allegations are there, cognizance has been



taken, charges framed, the petitioner will have to face the trial. For the present, considering the fact that he has remained in custody since 28.04.2023 (para 22 to the petition) and an undertaking has been given that he shall be diligently appearing in trial, this Court is inclined to extend him the privilege of bail with conditions.

11. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Sare P.S. Case No. 69 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member/relative 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 bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for one year to mark his 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 his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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