

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23821 of 2024

Arising Out of PS. Case No.-136 Year-2022 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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Kunal Kumar, Male, aged about 25 years, Son of Arun Prasad @ Karu Prasad,
resident of village- Panchi, Police Station- Shekhopur Sarai, District-
Shekhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Nirmala Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 19-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Shekhopur Sarai P.S. Case No. 136 of 2022 instituted for the
offences punishable under Sections 419, 420, 467, 468, 471, 406
and 120(B)/34 of the Indian Penal Code

3. As per the prosecution case, petitioner is active
member of the cyber crime gang which is involved in alluring
general public in the name of agency of Himalaya Company
and also providing loan from Bajaj Finance. As per the seizure
list, huge number of mobiles embedded with SIM have been
recovered.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case only on the basis of local politics and oblique reasons by the local police. He further submits that petitioner is not involved in any manner in the present occurrence or in such type of the occurrence, rather he has been made accused only on the basis of police atrocities. He has also been made accused only on the basis of confessional statement of co-accused Balo Mahto @ Bablu Kumar. Petitioner is in custody since 29.01.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Additional Sessions Judge-III, Sheikhpura dated 11.03.2024, it appears that there is no recovery from the conscious possession of the petitioner and no specific allegation is alleged against him. Similarly situated co-accused person namely Pankaj Kumar, has been granted bail by this Court in Cr. Misc. No. 12925 of 2024 vide order dated 29.02.2024, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail *after framing of charge* on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of



the learned Chief Judicial Magistrate, Sheikhpura in connection with Shekhopur Sarai P.S. Case No. 136 of 2022.

7. The trial Court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen days) from the date of receipt of a copy of this order. However, it is made clear that *if the charge-sheet has not been submitted* then the petitioner shall be released on bail on above conditions and he shall be present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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