

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27004 of 2024

Arising Out of PS. Case No.-24 Year-2024 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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Babu Lal @ Babu Lal Kumar @ Babulal Mistri Late Balu Mistri @ Ballu
Mistri @ Baleshwar Mistri Resident Of Village Mohabbatpur Police Station
Shekhopur Sarai District Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Adv.

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

4 31-07-2024 Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. The petitioner apprehends arrest in connection with

Shekhopur (Sheikhopur) Sarai P.S. Case No. 24 of 2024,

instituted for the offence punishable under Sections 419, 420,

467, 468, 471 and 120(B) of the Indian Penal Code.

3. The prosecution case, in short, is that on

02.03.2024 about 14:25 hrs during patrolling, one person,

namely, Sahendra Kumar was apprehended by the police. Upon

search, two mobile phones were recovered from him and from

photo section of mobile various types of fraud came to light. On

asking he told that the mobile belongs to the petitioner (Babu

Lal) and through this mobile the petitioner commits fraud and

gives 25 percent commission of the amount defrauded by him.

4. Learned counsel for the petitioner submits that the

petitioner is innocent and he has been falsely implicated in this



case. It is submitted that only on the basis of confessional statement and disclosure made by one Sahendra Kumar, the petitioner has been made accused in this case. Nothing has been recovered from the conscious possession of the petitioner or from his house. It is submitted that both mobile phones were seized from the possession of Sahendra Kumar. The petitioner has no concern with the seized mobile phones. It is further submitted that except the aforesaid disclosure nothing has been stated in the entire F.I.R. and during the investigation also the police has not found any single material against the petitioner. It is submitted that the petitioner has no concern either with the present occurrence or with the arrested co-accused person. Lastly, it has been submitted that he has two criminal cases against him and in both the cases he is on bail.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Shekhopur (Sheikhopur) Sarai P.S. Case No. 24 of 2024, he shall be released on anticipatory bail upon furnishing bail bonds of Rs.



10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Sheikhpura, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

- 1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
- 2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.
- 3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.
- 4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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