

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33070 of 2024

Arising Out of PS. Case No.-163 Year-2023 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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Kunal Kumar S/O Arun Prasad @ Karu Mahto Resident of Village Panchi
Police Station-Sheikhopur 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, Advocate
For the Opposite Party/s : Ms.Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 3 10-06-2024 1. Heard learned counsel appearing on behalf
- of the petitioner and learned APP appearing on behalf of
- the State.
2. The petitioner seeks bail in connection with
- Shekhopur(Sheikhopur) Sarai P.S. Case No:- 163 of
- 2023 registered for the offence under Sections
- 406,419,420,467,468,471,406,120(B), 379/34 of the
- Indian Penal Code.
3. The accused/petitioner is not named in the
- F.I.R. and is in custody since 02.03.2024.
4. The allegation against the petitioner is to



involve in cheating and cyber fraud, on the name of providing job in different organizations.

5. Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner appears in this case on the basis of confessional statement of co-accused, namely, Raju Kumar and Suraj Kumar. It is also pointed out that different mobile sets, which alleged to be involved in the occurrence were recovered from the possession of co-accused persons not from this petitioner, and as such, save and except suspicion arises out of confessional statement, nothing surfaced against this petitioner. It is further submitted that the petitioner found involved in two more criminal cases, where he is on bail. While concluding the argument, it is submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP, opposes the prayer of bail.



7. Considering the facts and circumstances as mentioned above and by taking note of fact as save and except suspicion arises out of confessional statement, nothing incriminating material appears to be recovered during the course of investigation, suggesting *prima facie* involvement of petitioner in crime in question, accordingly, petitioner above named, is directed to be released on bail in connection with Shekhopur (Sheikhopur) Sarai P.S. Case No. 163 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further conditions that:-

(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the



petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date after framing of charge before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J)

veena/suruchi-

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