

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81145 of 2023

Arising Out of PS. Case No.-433 Year-2023 Thana- BARBIGHA District- Sheikhpura

Saurav Kumar Son Of Ranjay Yadav @ Ranjay Kumar Resident Of Village-
Nashratpur, P.S.- Barbigha, District- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 85728 of 2023

Arising Out of PS. Case No.-433 Year-2023 Thana- BARBIGHA District- Sheikhpura

Sudhir Kumar S/O Bhuttu Ram R/O Village- Nasratpur, P.S- Barbigha, Distt.-
Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 81145 of 2023)
For the Petitioner/s : Mr.Dr. Anjani Pd. Singh
For the Opposite Party/s : Mr.Shaheen Begum
(In CRIMINAL MISCELLANEOUS No. 85728 of 2023)
For the Petitioner/s : Mr.Dinkar Kumar
For the Opposite Party/s : Mr.Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 19-03-2024 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have prayed for grant of bail in
connection with Barbigha P.S. Case No. 433 of 2023 registered
under sections 419, 420, 467, 468 and 120(B) of the Indian
Penal Code.



As per FIR, on the basis of secret information that some people indulged in Cyber Crime in the house of petitioner, namely, Saurav Kumar. Then, police team raided the house of the petitioner, namely, Saurav Kumar and after seeing the police party, some people started fleeing away upon which on chase, police apprehended two persons who disclosed their name as Saurav Kumar and Sudhir Kumar. On search of Saurav Kumar, one mobile of Vivo Company and one mobile of Redmi Company have been recovered. From the possession of Sudhir Kumar, one Vivo company phone has been recovered. On query, they disclosed that in the name of Vivo 10 India Private Limited and Indian Escort Service, they used to advertise for appointment and forged job card along with meeting with call girl by false enticement.

Learned counsel for the petitioners submits that the petitioner are innocent and have committed no offence. They have falsely been implicated in this case. A statement has been made in para-3 of these petitions that the petitioners have got no criminal antecedent. The provision of section 100 Cr.P.C. has not been followed in this case while preparing seizure list. Moreover, they are languishing in judicial custody since 02.10.2023.



Learned counsel on behalf of the petitioner, namely, Saurav Kumar submitted from para-10 of this petition that two mobile phones have been recovered which are his own mobile phones except phones there is no incriminating material has been recovered from the conscious possession of the petitioner. From para-11 of this petition, it appears from FIR that no one has come forward to state before the police that he has been cheated by the petitioner. Police has knowingly and deliberately implicated the petitioner in this crime.

Learned counsel on behalf of the petitioner, namely, Sudhir Kumar submitted from para-7 of this petition that the allegation levelled against the petitioner is that he committed cyber fraud by giving false allurements to the people at large for giving job in the company making job cards meeting with call girls but there is no single online transaction of such considerations have brought on record by the informant. From para-12, it is alleged that when the informant analyzed the mobile of the petitioner, she got fake ID cards, certificates, and obscene photographs but the said 18 material/articles have not correlated to the actual(Cyber) crime.

The application for bail is opposed by learned APP for the State.



Having heard learned counsel for the parties and considering the facts and circumstances of this case as well as the custody of the petitioners, the Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail in connection with Barbigha P.S. Case No. 433 of 2023 on each of them furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sheikhpura with following conditions:-

(i) Petitioners shall co-operate in the trial and shall be present on each and every fixed date and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(ii) If the petitioners tampers with the evidence or threatens the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Sunil Kumar Panwar, J)

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