

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77817 of 2024

Arising Out of PS. Case No.-43 Year-2023 Thana- Cyber P.S. District- Samastipur

SUDHIR KUMAR S/O BHOLA DAS R/O VILL- DIGHARA, PS- PUISA,
DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prem Prakash Poddar, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-01-2025 Heard the parties.

2. The petitioner is in custody in connection with Cyber (Samastipur) P.S. Case No. 43 of 2023 for the offence punishable under sections 406, 420 and 419 of the Indian Penal Code lodged on 16.10.2023 by the informant, Sanjay Kumar Das.

3. As per the prosecution story, the informant gave written report that in the garb of providing Rs. 60,000/- per month, the accused persons took away Rs. 6,00,000/- and later, switched of the mobile, in that background, the present case.

4. Learned counsel for the petitioner submits that a perusal of the FIR would show that main allegation is against Rajeev Kumar and Budhan Lal who took away the amount, he do not have any role to play in it and only because he is the



brother of Rajeev Kumar, has been implicated and is in custody since 16.07.2024 (paragraph-18 of the petition) having no criminal antecedent. The last submission is that one Sahil Singh @ Manish Kumar was extended bail vide order dated 04.10.2024 in Cr. Misc. No. 72897 of 2024.

5. Learned APP opposes the prayer for bail submitting that he being the brother of Rajeev Kumar his role cannot be ignored.

6. Considering the submissions put forwarded by the parties and from the fact it is clear that the main allegation has been assigned to Rajeev Kumar and Budhan Lal, he is brother of Rajeev Kumar, a statement has been made that he is separate with the brother and is in custody since 16.07.2024 having no criminal antecedent, in that background, this Court is inclined to extend him the privilege of bail with conditions.

7. 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 Judicial Magistrate-1st Class, Samastipur, in connection with Cyber (Samastipur) P.S. Case No. 43 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 six months 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)

Adnan/-

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