

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85757 of 2024

Arising Out of PS. Case No.-65 Year-2024 Thana- Shahpur P.S. District- Nawada

Rohit Kumar @ Rohit Raj Kumar Son of Uppo Chaudhary Resident of
Village - Pahariya, P.S. - Shekhopur Sarai, District - Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Sweta Burnwal, Advocate Mr. Rajnish Kumar, Advocate
For the Opposite Party/s	:	Mr.Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 13-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner who apprehends arrest in connection with Excise Sahpur P.S. Case No. 65/2024 lodged on 06.08.2024, for the offences punishable under sections 319(2), 318(4), 338, 336(3), 340(2), 317(5), 61B, of the Bharatiya Nyaya Sanhita, 2023 and 66, 66B, 66C and 66D of the I.T. Act.

3. As per the prosecution, the F.I.R. has been lodged against seven named accused persons. It is alleged in the F.I.R. that, based on secret information regarding the involvement of certain miscreants in cyber crime, a police raid was conducted. Upon seeing the police party, several persons attempted to flee from the scene; however, seven accused persons were



apprehended, while the remaining accused managed to escape. The apprehended accused persons disclosed the names of those who fled, including the name of the present petitioner, and further revealed that they used to cheat innocent persons by impersonating representatives from Flipkart and falsely informing them of cancellation of deliveries they had booked. During the course of investigation, two mobile phones were allegedly recovered from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated. It is argued that the petitioner was not apprehended at the place of occurrence and his name surfaced solely on the basis of the confession of co-accused persons, which has limited evidentiary value. Except for this alleged disclosure, no direct or substantive evidence is available against the petitioner. It is further submitted that no incriminating article has been recovered from the possession of the petitioner and he has been maliciously implicated due to local village-level enmity. The petitioner has no connection or association with the co-accused persons. Moreover, it is submitted that the co-accused persons have already been granted bail by a co-ordinate Bench of this Court vide orders dated 24.01.2025 and 31.01.2025 passed in Criminal



Miscellaneous No. 3667 of 2025, Criminal Miscellaneous No. 86632 of 2024, and Criminal Miscellaneous No. 86630 of 2024. Learned counsel candidly admits that the antecedent of the petitioner is not clean, as he is an accused in one prior case lodged under the Excise Act.

5. Learned APP for the State opposes the prayer for bail and submits that the name of the petitioner has come in this case on the confession of apprehended co-accused.

6. It transpires to this Court that three accused persons have granted anticipatory bail by a co-ordinate Bench of this Court. As such, let the above named petitioner be released on bail, in the event of arrest or surrender before the Trial Court within a period of four weeks from today, on furnishing bail bond of ₹30000/- (thirty thousand) as mentioned in Section 2(1) (d) of the Bharatiya Nagrik Suraksha Sanhita, 2023 to the satisfaction of the learned ACJM-VI, Nawada, in connection with Excise Sahpur P.S. Case No. 65/2024, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023.

7. It is made clear that the offences under which the petitioner has been charged carry a punishment that includes a fine of up to Rs. 1,00,000/-. Accordingly, as a condition for



grant of bail, the petitioner is directed to deposit 50% of the said amount, i.e., Rs. 50,000/-, before the Trial Court at the time of furnishing bail bonds. This deposit shall be without prejudice to the rights of the parties and shall be subject to the final outcome of the present case.

(Dr. Anshuman, J)

Ashwini/-

U		T	
---	--	---	--

