

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7645 of 2025

Arising Out of PS. Case No.-111 Year-2024 Thana- LAKHISARAI District- Lakhisarai

Rupesh Kumar S/o Sarveshwar Kumar Sharma @ Sharveshwar Kumar Sharma R/o Vill- Sabalpur, Babhantoli, P.S.- Sonapur, Distt.- Saran At present posted as Planning Assistant (Awar Yojna Padhakari) at Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal

For the Opposite Party/s : Mr. Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

3 09-05-2025 Heard learned counsel for the petitioner and
learned counsel for the State.

2. This is the first regular bail application of the petitioner seeking his regular bail in connection with Lakhisarai (Kabaiya) P.S. Case No. 111 of 2024 registered for the offence under Sections 406, 420 and 409 of the Indian Penal Code.

3. According to the case of prosecution, one Niraj Kumar made a written complaint against the present applicant before one Abhinash Kumar, Sub-Planning Officer, Lakhisarai wherein it is alleged that the present applicant cheated with the complainant Niraj Kumar of Rs. 25,60,000/- on the assurance of arranging contract work for him. It is further alleged that total Rs. 5,84,000/- were transferred to the account of the present



applicant from the account of Niraj Kumar on various dates and on the basis of the said written complaint, report has been lodged by Abhinash Kumar, on the basis of which, offence has been registered. During course of investigation, the present applicant is arrested on 24.04.2024.

4. It is submitted by the learned counsel for the petitioner that petitioner is innocent and has falsely been implicated in this case due to some family dispute with Niraj Kumar. There is no material available on record, which *prima facie* established that any crime of cheating has been committed by the petitioner herein. He further submits that though in paragraph no. 53 of the case diary, it is mentioned that on some occasions, some money have been transferred in the account of the present applicant through online, but the statements of account of the present applicant and the complainant Niraj Kumar have not been collected by the prosecution at the time of investigation. Charge sheet was filed without collecting those statements, therefore, the offence under Section 409 of the Indian Penal Code is also not made out against the petitioner. Lastly, he submits that petitioner is in custody since 24.04.2024 and trial is still going on and it will take some more time. Therefore, on these grounds, it is prayed that the petitioner may



be granted benefit of bail.

5. Learned counsel for the State opposes the arguments raised by the counsel for the petitioner and submits that in the confessional statement, the applicant admitted his guilt, therefore on this ground, his prayer for bail may be rejected.

6. Heard

7. Perused the case diary and other materials available on record.

8. Taking into consideration the above submissions made by the counsel for the petitioner and further taking to the fact that the petitioner is in custody since 24.04.2024, I am of the view that it is a case where the petitioner should be granted benefit of bail.

9. Accordingly, the application is allowed.

10. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M., Lakhisarai in connection with Lakhisarai (Kabaiya) P.S. Case No. 111 of 2024.

(Arvind Singh Chandel , J)

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