

Avnish Kumar @ Avinash Kumar vs The State Of Bihar on 1 May, 2023

Author: Chandra Shekhar Jha

Bench: Chandra Shekhar Jha

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69179 of 2022
Arising Out of PS. Case No.-158 Year-2022 Thana- SHEIKHOPUR SARAI Di
Sheikhpura

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PANKAJ KUMAR S/O KRISHAN MAHTO Resident of village-
Mohabbatpur, P.S.- Shekhopur Sarai, District- Sheikhpura.

Versus

The State of Bihar

... ..
... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 23910 of 2023
Arising Out of PS. Case No.-158 Year-2022 Thana- SHEIKHOPUR SARAI Di
Sheikhpura

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AVNISH KUMAR @ AVINASH KUMAR SON OF SANJAY YADAV
Resident of village - Mohabbatpur, P.S. - Shekhopur Sarai, Distt. - She

Versus

The State of Bihar

... ..
... .. Opposite Party/s

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Appearance :
(In CRIMINAL MISCELLANEOUS No. 69179 of 2022)
For the Petitioner/s : Mr.Sheo Nandan Prasad
For the Opposite Party/s : Mr.Binod Kumar
(In CRIMINAL MISCELLANEOUS No. 23910 of 2023)
For the Petitioner/s : Mr.Nilendu Kumar Choudhary
For the Opposite Party/s : Mr.Nagendra Prasad

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-05-2023

In Cr. Misc.No. 69179 of 2022 Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.

The accused/petitioner is named in F.I.R and Patna High Court CR. MISC. No.69179 of 2022(2) dt.01-05-2023 apprehending his arrest in connection with Shekhopur Sarai P. S. Case No. 158 of 2022 registered for the offences punishable under Sections 406, 419, 420, 467, 468, 471, 120- B/34 of the Indian Penal Code.

The allegation against the petitioner is to involved in cyber crime and also to cheat innocent people, along with unknown 20 to 25 co-accused persons, where on raid 7 co- accused persons were apprehended and various mobile phones, ATM cards of different banks have been recovered, alleged to be used in crime.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was not apprehended on the spot, where name of the petitioner was surfaced on the basis of disclosure made by apprehended co-accused persons. It is submitted that no incriminating material recovered from the possession of this petitioner, during the course of investigation, which may connect him, prima facie, with the present occurrence of cheating/cyber crime. It is further submitted that similarly situated co-accused persons have already been granted anticipatory bail through Cr. Misc. No. 70668 of 2022 vide order dated 04.04.2023. While concluding the argument, it is submitted that petitioner is a man of clean antecedent. Patna High Court CR. MISC. No.69179 of 2022(2) dt.01-05-2023 Learned APP for the State opposes the prayer of anticipatory bail.

Considering the aforesaid facts and circumstances and by taking note of fact as save and except disclosure, nothing incriminating surfaced against this petitioner, let above named petitioner, in the event of his arrest or surrender before learned Court below within a period of four weeks, is directed to be released on bail, 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/concerned Court, in connection with Shekhopur Sarai P. S. Case No. 158 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

In Cr. Misc.No. 23910 of 2023 Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.

The accused/petitioner is named in F.I.R and apprehending his arrest in connection with Shekhopur Sarai P. S. Case No. 158 of 2022 registered for the offences punishable under Sections 406, 419, 420, 467, 468, 471, 120- B/34 of the Indian Penal Code.

Patna High Court CR. MISC. No.69179 of 2022(2) dt.01-05-2023 The allegation against the petitioner is to involved in cyber crime and also to cheat innocent people, along with unknown 20 to 25 co-accused persons, where on raid 7 co- accused persons were apprehended and various mobile phones, ATM cards of different banks have been recovered alleged to be used in crime.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was not apprehended on the spot, where name of the petitioner was surfaced on the basis of disclosure made by apprehended co-accused person. It is submitted that no incriminating material recovered from the possession of this petitioner, during the course of investigation, which may connect him, prima

facie, with the present occurrence of cheating/cyber crime. It is further submitted that similarly situated co-accused persons have already been granted anticipatory bail through Cr. Misc. No. 70668 of 2022 vide order dated 04.04.2023. While concluding the argument, it is submitted that petitioner is a man of clean antecedent.

Learned APP for the State opposes the prayer of anticipatory bail.

Considering the aforesaid facts and circumstances and by taking note of fact as save and except disclosure, nothing Patna High Court CR. MISC. No.69179 of 2022(2) dt.01-05-2023 incriminating surfaced against this petitioner, let above named petitioner, in the event of his arrest or surrender before learned Court below within a period of four weeks, is directed to be released on bail, 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/concerned Court, in connection with Shekhopur Sarai P. S. Case No. 158 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J) R.S.Sen/-

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