

Biru Kumar vs The State Of Bihar on 22 March, 2024

Author: Satyavrat Verma

Bench: Satyavrat Verma

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74109 of 2023
Arising Out of PS. Case No.-29 Year-2021 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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RAJESH KUMAR S/O SRI RAVINDRA PRASAD VILLAGE- PANCHI,
PS. SEKHOPUR SARAI, DIST. SHEKHPURA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 74216 of 2023
Arising Out of PS. Case No.-29 Year-2021 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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BIRU KUMAR Son of Late Mahendra Prasad R/o vill - Panchi, P.S. -
Sekhopur Sarai, Distt. - Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 80657 of 2023
Arising Out of PS. Case No.-29 Year-2021 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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SHANKAR KUMAR S/O MADAN MAHTO @ MADAN PRASAD
VILLAGE- PANCHI, PS. SHEKHOPUR SARAI, DIST. SHEIKHPURA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 81016 of 2023
Arising Out of PS. Case No.-29 Year-2021 Thana- SHEIKHOPUR SARAI District-

Sheikhpura

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VIKASH KUMAR SON OF SRI KAPIL PRASAD RESIDENT OF
VILLAGE - PANCHI, P.S. - SEKHOPUR SARAI, DISTRICT -
SHEIKHPURA

Patna High Court CR. MISC. No.74109 of 2023(5) dt.22-03-2024
2/10

... .. Petition

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 74109 of 2023)
For the Petitioner/s : Mr. Ritesh Kumar
For the Opposite Party/s : Mr. Brajendra Nath Pandey
(In CRIMINAL MISCELLANEOUS No. 74216 of 2023)
For the Petitioner/s : Mr. Ritesh Kumar
For the Opposite Party/s : Mr. Brajendra Nath Pandey
(In CRIMINAL MISCELLANEOUS No. 80657 of 2023)
For the Petitioner/s : Mr. Kumar Gangesh Gunjan
For the Opposite Party/s : Mr. Md. Shakir Ahmad
(In CRIMINAL MISCELLANEOUS No. 81016 of 2023)
For the Petitioner/s : Mr. Ritesh Kumar
For the Opposite Party/s : Ms. Sharda Kumari

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 22-03-2024

Cr. Misc. No.74109/2023

1. Heard learned counsel for the petitioner and learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 406, 420, 467, 468, 471, 120(B) of the Indian Penal Code.
3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and has been falsely implicated in the instant case. It is next submitted that the allegation is of committing cyber crime by the accused persons, in which Swapnil was apprehended and from his possession three mobiles, ATM cards, etc. were recovered and he disclosed the names of the accused persons, who fled when police Patna High Court CR. MISC. No.74109 of 2023(5) dt.22-03-2024 reached on information that the accused persons were cheating people with their mobile. It is next submitted that the name of this petitioner did not transpire in the confessional statement of Swapnil

rather during the course of investigation, in the supervision note, the name of the petitioner figured.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that cyber crime has become a menace in the society and in the event if the privilege of anticipatory bail is granted that will embolden the accused for committing such offence.

5. The learned counsel for the petitioner rebuts the submission of the learned APP and submits that petitioner will not abscond rather will co-operate in the investigation and will present himself as and when required by the Investigating Officer for illiciting the truth and proving his innocence.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where Patna High Court CR. MISC. No.74109 of 2023(5) dt.22-03-2024 the case is pending/successor court in connection with Shekhopur Sarai P.S. Case No.29/2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. Further, one of the bailors of the petitioner shall be his father Ravindra Prasad.

8. Let a copy of this order be sent to the concerned P.S. to the learned trial court.

9. Further, it is made clear that in the event if the charge sheet is submitted connecting the petitioner with the offence in that event the present anticipatory bail order shall loose its effect.

Cr. Misc. No.74216/2023

1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 406, 420, 467, 468, 471, 120(B) of the Indian Penal Code.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and has been falsely implicated in the instant case. It is next submitted that the allegation is of committing cyber crime by the accused persons, in which Swapnil was apprehended and from his possession Patna High Court CR. MISC. No.74109 of 2023(5) dt.22-03-2024 three mobiles, ATM cards, etc. were recovered and he disclosed the names of the accused persons, who fled when police reached on information that the accused persons were cheating people with their mobile. It is next submitted that the name of this petitioner did not transpire in the confessional statement of Swapnil rather during the course of investigation, in the supervision note, the name of the petitioner figured.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that cyber crime has become a menace in the society and in the event if the privilege of anticipatory bail is granted that will embolden the accused for committing such offence.

5. The learned counsel for the petitioner rebuts the submission of the learned APP and submits that petitioner will not abscond rather will co-operate in the investigation and will present himself as and when required by the Investigating Officer for illiciting the truth and proving his innocence.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.25,000/- Patna High Court CR. MISC. No.74109 of 2023(5) dt.22-03-2024 (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Shekhopur Sarai P.S. Case No.29/2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. Further, one of the bailors of the petitioner shall be his cousin brother Sidharth Kumar.

8. Let a copy of this order be sent to the concerned P.S. to the learned trial court.

9. Further, it is made clear that in the event if the charge sheet is submitted connecting the petitioner with the offence in that event the present anticipatory bail order shall loose its effect.

Cr. Misc. No.80657/2023

1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 406, 420, 467, 468, 471, 120(B) of the Indian Penal Code.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and has been falsely implicated in the instant case. It is next submitted that the Patna High Court CR. MISC. No.74109 of 2023(5) dt.22-03-2024 allegation is of committing cyber crime by the accused persons, in which Swapnil was apprehended and from his possession three mobiles, ATM cards, etc. were recovered and he disclosed the names of the accused persons, who fled when police reached on information that the accused persons were cheating people with their mobile. It is next submitted that the name of this petitioner did not transpire in the confessional statement of Swapnil rather during the course of investigation, in the supervision note, the name of the petitioner figured.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that cyber crime has become a menace in the society and in the event if the privilege of anticipatory bail is granted that will embolden the accused for committing such offence.

5. The learned counsel for the petitioner rebuts the submission of the learned APP and submits that petitioner will not abscond rather will co-operate in the investigation and will present himself as and when required by the Investigating Officer for illiciting the truth and proving his innocence.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below Patna High Court CR. MISC. No.74109 of 2023(5) dt.22-03-2024 within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Shekhopur Sarai P.S. Case No.29/2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. Further, one of the bailors of the petitioner shall be his father Madan Mahto @ Madan Prasad.

8. Let a copy of this order be sent to the concerned P.S. to the learned trial court.

9. Further, it is made clear that in the event if the charge sheet is submitted connecting the petitioner with the offence in that event the present anticipatory bail order shall loose its effect.

Cr. Misc. No.81016/2023

1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 406, 420, 467, 468, 471, 120(B) of the Indian Penal Code.

3. Learned counsel for the petitioner submits that Patna High Court CR. MISC. No.74109 of 2023(5) dt.22-03-2024 petitioner is a person with clean antecedent and has been falsely implicated in the instant case. It is next submitted that the allegation is of committing cyber crime by the accused persons, in which Swapnil was apprehended and from his possession three mobiles, ATM cards, etc. were recovered and he disclosed the names of the accused persons, who fled when police reached on information that the accused persons were cheating people with their mobile. It is next submitted that the name of this petitioner did not transpire in the confessional statement of Swapnil rather during the course of investigation, in the supervision note, the name of the petitioner figured.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that cyber crime has become a menace in the society and in the event if the privilege of anticipatory bail is granted that will embolden the accused for committing such offence.

5. The learned counsel for the petitioner rebuts the submission of the learned APP and submits that petitioner will not abscond rather will co-operate in the investigation and will present himself as and when required by the Investigating Officer for illiciting the truth and proving his innocence.

6. Considering the submissions made by the learned Patna High Court CR. MISC. No.74109 of 2023(5) dt.22-03-2024 counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court

where the case is pending/successor court in connection with Shekhopur Sarai P.S. Case No.29/2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. Further, one of the bailors of the petitioner shall be his father Kapil Prasad.

8. Let a copy of this order be sent to the concerned P.S. to the learned trial court.

9. Further, it is made clear that in the event if the charge sheet is submitted connecting the petitioner with the offence in that event the present anticipatory bail order shall loose its effect.

(Satyavrat Verma, J) amit/-

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