

Muso Kumar @ Dhananjay Kumar vs The State Of Bihar on 18 October, 2024

Author: Satyavrat Verma

Bench: Satyavrat Verma

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.69373 of 2024

Arising Out of PS. Case No.-16 Year-2022 Thana- GRIYAK District-

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1. Muso Kumar @ Dhananjay Kumar S/o Sunil Singh R/o vill- Katardih, P.S. Katrisarai, Distt. - Nalanda
 2. Sudhir Singh @ Sudhir Kumar S/o Late Rambriksh Singh R/o vill- Katardih P.S. - Katrisarai, Distt. - Nalanda

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 18-10-2024

1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 419, 420, 467 and 471 of the Indian Penal Code and Sections 66(C) and 66(D) of the I.T. Act.

3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the case relates to cyber crime in which several of the accused have been granted anticipatory bail, Prince Kumar has been granted anticipatory bail by an order dated 05.09.2022 in Cr. Misc. No.19510 of 2022.

Patna High Court CR. MISC. No.69373 of 2024(2) dt.18-10-2024

4. The learned counsel for the petitioners next submits that even from perusal of the allegation as alleged in the FIR, it would manifest that no specific allegation is alleged against the petitioners. It is submitted that the allegation are general and omnibus in nature. The learned counsel next submits

that purpose of arrest arises only when an accused evades the law or does not cooperate in the investigation, but then, petitioners are ready and willing to cooperate in the investigation to prove their innocence and will present themselves before the Investigating Officer of the case as and when required by the Investigating Officer. It is next submitted that petitioner no.2 is own uncle (Chacha) of the petitioner no.1.

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Nalanda at Biharsharif in connection with Giriyak (Katrishrai) P. S. Case Patna High Court CR. MISC. No.69373 of 2024(2) dt.18-10-2024 No.16 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C. with a condition that one of the bailors of the petitioners shall be Sunil Singh i.e. father of petitioner no.1.

7. The application stands allowed.

8. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioners, despite giving assurance to this Court, are not cooperating in the investigation or are not presenting themselves as and when required, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

9. Let a copy of this order be sent to the concerned Police Station through the learned trial Court.

(Satyavrat Verma, J) vikash/-

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