

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.529 of 2023

Arising Out of PS. Case No.-158 Year-2022 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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Guddu Yadav Son of Karu Yadav R/V- Mohabbatpur, P.S- Sheikhopur Sarai.
Dist- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 4197 of 2023

Arising Out of PS. Case No.-158 Year-2022 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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Santu Kumar @ Santu Ram S/O Rajesh Ram Resident of village-
Mohabbatpur, P.S.- Shekhopur Sarai, District- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 529 of 2023)

For the Petitioner/s	:	Mr. D.K. Sinha, Sr. Advocate.
		Mr.Pramod Kumar Sinha, Advocate.
For the Opposite Party/s :		Mr. Shyam Kumar Singh, APP.

(In CRIMINAL MISCELLANEOUS No. 4197 of 2023)

For the Petitioner/s	:	Mr. Nilendu Kumar Choudhary, Advocate.
For the Opposite Party/s :		Mr. Tarun Prasad Mandal, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-03-2023 A supplementary affidavit has been filed by the

learned counsel for the petitioner, Guddu Yadav and the same

has been taken on the record.

Heard Mr. D.K. Sinha, learned senior counsel for the



petitioner duly assisted by Mr. Pramod Kumar Sinha, learned counsel and learned APP for the State in Cr. Misc. No. 529 of 2023 and Mr. Nilendu Kumar Choudhary, learned counsel for the petitioner and Mr. Tarun Prasad Mandal, learned APP for the State in Cr. Misc. No. 4197 of 2023.

With the consent of the parties, both the application are being heard together and disposed of by the present common order.

The petitioners seek regular bail, who are in custody in connection with Sheikhopur 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 prosecution case is based on the written report filed by the informant, who is S.I.-cum-S.H.O. of Sheikhopur Sarai Police Station alleging therein that on secret information with regard to assemblage of 20-25 persons, involved in cheating innocent persons, the police conducted raid and apprehended seven persons. The accused persons are said to be indulged in cyber crime in the name of providing loan from Bajaj Finance. On search mobiles phones, ATM card and other articles were recovered.

Learned senior counsel appearing on behalf of the



petitioners submits that from the FIR, it is evident that save and except mobile phone no incriminating material has been recovered from the possession of the petitioners and in fact on account of past criminal antecedent of the petitioners, who are found involved in two other cases, besides the present one, their names have been implicated in this case without there being any cogent material. He further submits that none of the person has come forward to allege that he has been cheated at the hands of the petitioners and even during the course of investigation no material has come suggesting the complicity of the petitioners. He next submits that the person having similar allegation who was also apprehended by the police at the spot and from whose possession mobile phone was recovered, has been allowed privilege of bail by learned Co-ordinate Bench of this Court in Cr. Misc. No. 10512 of 2023 vide order dated 23.02.2023. He also submits that other co-accused persons, who were also apprehended by the police have been allowed bail by the Court below itself, the copies of which have been brought on record by way of supplementary affidavit filed on behalf of the petitioner. He lastly submits that the petitioners are in custody since 25.09.2022.

On the other hand learned APP(s) for the State



vehemently opposed the bail application and submits that during the course of investigation materials have come suggesting the complicity of the petitioners in cyber crime, apart from their criminal antecedent.

Regard being had to the submissions made on behalf of the parties and considering the fact that that other co-accused persons having similar allegation have been allowed privilege of bail by the learned Co-ordinate Bench of this Court as well as the court below, couple with the period of the custody and the fact the investigation of the crime is already complete, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura in connection with Sheikhopur Sarai P.S. Case No. 158 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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