

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4366 of 2022**

Arising Out of PS. Case No.-361 Year-2021 Thana- RAXAUL District- East Champaran

Mohmad Imran S/O Md. Ateem Ali @ Md. Atim Miyan R/O Village-
Amodei, P.S.- Ramgarhwa, District- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Lal Babu Singh, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 17-05-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by the Stamp Reporter within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

This case has been taken up out of turn on mentioning made by Mr. Lal Babu Singh, learned counsel for the petitioner on the ground that the petitioner is suffering from prolongation of latency in both eyes sugg of demyelinating optic neuropath from his childhood and now it has caused blindness in both eyes.

The petitioner in the present case is seeking regular bail in connection with Raxaul P.S. Case No. 361 of 2021 registered for the offences punishable under Sections 419, 420, 385, 387, 120(B)/34 of the Indian Penal Code and 66(c)/67 of



the IT Act. He is in custody since 01.11.2021. The petitioner has no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, one call was made to the complainant Dinesh Prasad from a mobile number and the caller identified himself as Superintendent of Police, Motihari. The caller impressed upon the said complainant Dinesh Prasad to resolve the dispute going on with Kapildev Sarraf on account of the land and money transaction. It is alleged that a forged true caller ID was made in the name of Superintendent of Police and from the said ID the call was made. The owner of the mobile has been identified as one Ram Prasad and in course of investigation, it came that the local MLA of Raxaul had been regularly talking to Sub-Inspector of Police Sanjay Kumar Singh and he was also called at his residence where the Sub-Inspector of Police found that Dinesh Mahaseth, Madhu Yadav and Kapildev Sarraf were sitting and a *panchayati* was taking place as regards the land and money transactions. It is further alleged that on inquiry made to technical cell about IMEI number of the mobile, it was found that the owner of that IMEI number mobile is one Ritesh Singh and when raid was conducted at this house Ram Prasad was also found present.



It is then alleged that in course of investigation, Ram Prasad disclosed that one Dr. Ganga Kumar son of Yogi Yadav had made the call from the said mobile to Dinesh Mahaseth but later on the co-accused Ritesh Singh disclosed that it was this petitioner who had talked on the mobile.

Learned counsel submits that it is apparent from the FIR that the prosecution story is totally inconsistent. It is further submitted that the petitioner is in custody for more than 6 months, investigation against him is complete and his presence may also be secured in course of trial.

Learned APP for the State has though opposed the prayer for bail of the petitioner but considering the aforesaid submission and the apparent inconsistency at this stage when the petitioner has already remained in jail for over 6 months, he has no criminal antecedents and his presence may also be secured in course of trial, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Raxaul at Motihari, East Champaran in connection with Raxaul P.S. Case No. 361 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.



And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

