

# In The Court of Sessions Judge, Buxar

A.B.P. No. 149 of 2026

(Arising out of Rajpur P.S. Case No. 171 of 2023)

Manoj Ram, S/o Rampyar Ram,

R/o Village- Manauli, Rohatas, Police Station + Post- Nasriganj, Bihar

..... Petitioner

Versus

State of Bihar

..... Respondent

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**Appearance:**

Learned Public Prosecutor for the State: Sri Kedar Nath Tiwari

Learned Counsel for petitioner: Sri Ravindra Singh, Ld. Adv.

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**Present: Kajal Jhamb**  
**Sessions Judge, Buxar**

**Date of Order: 10<sup>th</sup> March, 2026**

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Anticipatory Bail Petition filed on behalf of petitioner named above, who is apprehending his arrest in connection with **Rajpur P.S. Case No. 171 of 2023** registered u/s 379, 420 of I.P.C. is put up and moved today.

Copy of bail petition has already been served to the Learned Public Prosecutor for the State.

Learned Counsel for the petitioner certifies that no other bail petition has ever been filed on behalf of the petitioner in this matter either before this Court or before any other Superior Court. The petitioner has got no criminal antecedent. Prosecution has no objection to the submissions.

The Counsel further submits that, the petitioner is a simple, law abiding citizen having no criminal antecedent whatsoever. The petitioner has been falsely implicated in present case due to local politics. The allegation levelled against the petitioner are not specific and there is no direct or specific overt act attributed to the petitioner. The allegations are ambiguous in nature. The entire case of prosecution rests merely on the assertion that one mobile number was allegedly used for communication with the informant. The mobile number stands in the name of the accused. Except this bare assertion, there is no independent, reliable, or corroborative evidences to show that the accused himself made the alleged phone calls, representations or inducement. It is well settled that mere ownership of a mobile number is not sufficient to fasten criminal liability, particularly when no call recordings, technical analysis, voice matching or digital forensic report has

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been brought on record to connect the accused with the alleged conversations or Whatsapp communications. It is pertinent to mention that the bank accounts mentioned in the alleged transaction do not belong to the petitioner, nor does the petitioner have any concern or connection with the same. The alleged transactions were made voluntarily by the informant in small amounts over a period of time, without any written agreement, official letter or verification from BSNL authorities. This clearly indicates absence of any direct act or active role attributable to the accused. The dispute is entirely documentary and electronic in nature and custodial interrogation of the petitioner is neither required nor justified. The co-accused person namely Sonu Kumar who is alleged to have played more active and direct role in the commission of the alleged offence, has already been granted bail by the competent court. The petitioner stands on a better footing than the co-accused namely Abhishek Kumar and Sonu Kumar Pandey, as no specific role, overt act or direct involvement has been attributed to him. The petitioner is not named as beneficiary of the alleged cheated amount, nor has any recovery been effected or sought to be effected from him, whereas other accused person namely Sonu Kumar Pandey, despite being in a similar or worse position, have already been enlarged on bail.

The Counsel submits that the Hon'ble High Court, Patna in Naushad Ansari Vs. State of Bihar, (Criminal Misc. 3536/2024) has reiterated that the police must strictly comply with the mandate of Section 41 and 41-A of the Cr.P.C.. The offence alleged against the petitioner u/s 420, 379 of the I.P.C. carry punishment of seven years or less, and therefore, in view of the law laid down by the Hon'ble Supreme Court in Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273, arrest of the petitioner is not automatic. The Investigating Officer is mandatorily required to record specific reasons showing necessity of arrest u/s 41(1)(b) Cr.P.C. failing which issuance of notice u/s 41-A Cr.P.C. is the statutory rule and arrest in an exception. The Hon'ble Supreme Court as well as the Hon'ble High Court, Patna including in Md. Asfak Alam Vs. State of Jharkhand (2023 LiveLaw (SC) 583) and Criminal Misc. No. 3536 of 2024 decided on 13.02.2024, have categorically held that mechanical arrests and casual remand in cases punishable up to seven years are impermissible, and that if the conditions of Section 41 Cr.P.C. are not satisfied, the accused is entitled to protection from arrest. In present case, there is no material to suggest that the petitioner is likely to abscond, tamper with the evidence or influence witnesses and hence custodial interrogation is wholly unwarranted. The presumption of innocence is a fundamental principal of criminal law, asserting that the individual is considered "innocent until proven guilty". This principle is recognized as a human right and a cornerstone of fair trial rights in many legal systems, including India's. Article 21 of the Indian Constitution, which guarantees the right to life and personal liberty, is closely associated with this principle and the right to a fair trial. The Hon'ble Supreme Court in Sushila Aggarwal Vs. State

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(NCT of Delhi) (2020) 5 SCC 1 has held that anticipatory bail is a constitutional and statutory right and should be granted liberally, especially when there is no specific allegation against the accused and when the accused is ready to cooperate with the investigation. Therefore, petitioner deserves to be enlarged on anticipatory bail.

Learned Public Prosecutor for the State strongly opposes the Bail Petition and prays to reject the bail of the petitioner on the ground of nature and seriousness of offence. The Counsel further submits that during investigation it is found that the petitioner made several phone calls on informant's mobile on 29.04.2023 and there is no explanation about the same. On instructions of this petitioner the informant transferred the said money to certain accounts beneficiaries of whom have admitted the receipt of money. This petitioner is the main accused, who fools people by luring them to install mobile tower on their land.

Learned Counsel for informant submits that the informant has paid the said money upon the instruction of this petitioner, who introduced himself as Senior Officer of B.S.N.L. and conspired the whole crime. The authorities cited are not applicable to this case as the petitioner has not yet been arrested. He is rather fleeing from cause of justice. In none of the authorities cited by the counsel of the petitioner, the Hon'ble Courts have taken away the discretion that lies with this Court to reject bail in appropriate case. In this case there was no occasion for the I.O. to serve notice u/s 41-A of Cr.P.C. as the petitioner was not named in the F.I.R. and ever since his name has cropped up in this case, he is fleeing. The case is still under investigation. As far as contention of petitioner that co-accused Sonu Kumar Pandey has been granted bail is concerned, the accused Sonu Kumar Pandey is the account holder in which the Rs. 65,600/- was transferred by informant on instruction of this petitioner. The co-accused Sonu Kumar Pandey had no direct role in the whole occurrence rather this petitioner is the main conspirator who has conspired the whole occurrence. Also, the co-accused Sonu Kumar Pandey was granted regular bail as he was arrested by police.

Prosecution case in brief according to typed petition of informant Hiraman Kumar is that on 29.04.2023 he received a phone call regarding requirement of land for installation of BSNL mobile tower. The caller offered him an opportunity to earn money by letting his land for this purpose and asked the informant to send the receipt of land and photocopy of Aadhar on mobile no. 6206588728. After two hours, he again called him and told him that the tower will be installed on his land and he need to deposit some money. Informant sent Rs. 2000/- twice and Rs. 1000/- once. He also sent Rs. 4800/- from C.S.P. on 29.04.2023. The caller told him that these money are processing fee. The caller sent his BSNL Id on informant's mobile and introduced himself as Senior Officer. On 30.04.2023, the informant transferred Rs. 9800/- on Google Pay account of caller. On instruction, the informant again transferred Rs. 35,800/-, Rs. 28,800/-, Rs.

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28,800/-, 25,600/- and Rs. 4900/- on different dates in account no.7265082732 (IDBI Bank) and 2103000100779422 (PNB Bank).

Heard learned Counsel of both sides and perused the photocopy of case diary written upto para 76. The name of this petitioner has surfaced in this case in para 32 of case diary wherein it is mentioned that this petitioner is owner of mobile no. 6206588728 and on 29.04.2023, phone calls were made on mobile of informant from this number. Para 50 and 51 of case diary shows that the alleged money has been transferred in the accounts of Abhishek Kumar and Sonu Kumar Pandey, who are co-accused in the case and have admitted the receipt of money. Para 61 of case diary shows that co-accused Sonu Kumar Pandey was arrested by police on 16.01.2026. The Supervision Note of the S.P. Buxar mentioned in para 35 of case diary shows that the case has been found to be true u/s 420, 379 of I.P.C. and 66(D) of I.T. Act. The investigation is still pending.

Thus considering the submissions of both sides, the fact and circumstances of the case, I am not inclined to grant the privilege of anticipatory bail to the petitioner. Accordingly, the anticipatory bail of petitioner **Manoj Ram** is hereby **Rejected. However, the I.O. of the case is directed to ensure the compliance of Section 41(A) of Cr.P.C. (35(3) of B.N.S.S.).**

Let a copy of this order be sent to the S.H.O. of concerned Police Station.

Dictated  
Sd/- Kajal Jhamb  
Sessions Judge, Buxar  
10-03-2026

Date of Order	10.03.2026
Date of uploading	17.03.2026
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