

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49272 of 2014

Arising Out of PS.Case No. -276 Year- 2014 Thana -CHAPRA CITY District- SARAN

Shankar Rai
.....
..... Petitioner/s

Versus

The State of Bihar
.....
..... Opposite Party/s

with

Criminal Miscellaneous No.49961 of 2014

Arising Out of PS.Case No. -276 Year- 2014 Thana -CHAPRA CITY District- SARAN

Jitendra Mishra @ Jitu
.....
..... Petitioner/s

Versus

The State of Bihar
.....
..... Opposite Party/s

with

Criminal Miscellaneous No.12237 of 2015

Arising Out of PS.Case No. -276 Year- 2014 Thana -CHAPRA TOWN District- SARAN

Amit Kumar Tiwari
.....
..... Petitioner/s

Versus

The State of Bihar
.....
..... Opposite Party/s

Appearance :

(In Cr.Misc. No.49272 of 2014)
For the Petitioner/s : Mr. Chandra Mohan Jha-Advocate
For the Opposite Party/s : Mr. Indra Kr. Singh (A.P.P.)
(In Cr.Misc. No.49961 of 2014)
For the Petitioner/s : Mr. Rakesh Kumar-Advocate
For the Opposite Party/s : Mr. Vinod Shankar Modi(A.P.P.)
(In Cr.Misc. No.12237 of 2015)
For the Petitioner/s : Mr. Brij Kishor Mishra-Advocate
For the Opposite Party/s : Mr. B.Ram(A.P.P.)

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

04 28-04-2015 Heard learned counsel for the petitioners as well as

learned Additional Public Prosecutor.



Criminal Miscellaneous No.49272 of 2014 wherein Shankar Rai is the petitioner, Criminal Miscellaneous No.49961 of 2014 wherein Jitendra Mishra @ Jitu is the petitioner and Criminal Miscellaneous No.12237 of 2015 wherein Amit Kumar Tiwari happens to be the petitioner commonly originate out of Chapra Town P. S. Case no.276 of 2014, on account thereof, there happens to be analogous hearing and are being disposed of by a common order.

On getting confidential information regarding suspicious activities of a gang of which one of members was present near A.T.M. at Nehru Chowk, informant swung into action apprehended him, who disclosed his identity as Shankar Rai and from his possession one ATM Card was recovered, for which he failed to explain. On interrogation, made inculpatory confessional statement and further disclosed presence of members of his gang at Fauzi Hotel where a raid was conducted and during course thereof, Vikki Tiwary, Amit Kumar Tiwary, Sanjay Tiwary, Kushesh Tiwary were apprehended while Jitendra Mishra managed to escape. Furthermore, on search, from the possession of Vikki, one ATM Card of P.N.B., cash receipt, from the possession of Amit, ATM Card of Central Bank of India, mobile, from the possession of Kushesh Tiwari, cash, mobile, ATM Card

of P.N.B. and from the possession of Sanjay Tiwari @ Bam, cash, mobile were seized. They have further confessed that they got ATM Card after duping its real owner and then, are engaged in withdrawing money.

After going through the case diary, it is evident that inspite of the fact that there happens to be admission on the part of the apprehended accused regarding withdrawal of the amount, no separate case is found present at the behest of owner of the respective ATM Cards. Not only this, it is also apparent that I.O. had not visited the respective bank accounts inspite of having been traced out to see whether on the basis of ATM, single farthing has been withdrawn or not.

That being so, petitioners **Shankar Rai, Jitendra Mishra @ Jitu** and **Amit Kumar Tiwari** each are directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in connection with Chapra Town P. S. Case no.276 of 2014, subject to condition that one of the bailors should be a government servant and further, each of the petitioners should visit the Police Station concerned one in a fortnight and will file attendance certificate granted by the police officials before the

learned Chief Judicial Magistrate, Chapra, till conclusion of the trial. In case of default, the privilege, so granted, will automatically cease to effect. To have effective compliance of the order, the learned Chief Judicial Magistrate, Chapra is directed to serve a copy of instant order upon the Officer-in-Charge, Chapra Town Police Station.

Vikash/-

(Aditya Kumar Trivedi, J)

U		T	
---	--	---	--