

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3306 of 2015

Arising Out of PS.Case No. -232 Year- 2014 Thana -JAHANABAD District- JEHANABAD

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Rahul Kumar, Son of Ravindra Sharma, Resident of Village – Lari, P.S.-
Kurtha, District – Arwal.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Soni Shrivastava, Advocate.

For the Opposite Party/s : Mr. B.N. Pandey, (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

2 27-01-2015

Heard both sides.

The petitioner apprehends his arrest in Makhdumpur (Tehta) P.S. Case No. 232 of 2014, registered for the offences punishable under Section 420 and other Sections of the Indian Penal Code.

The informant is police officer who alleged that he got information about illegally withdrawing money from the S.B.I. A.T.M. and went there. One person fled away from the place of occurrence. One Prashant Kumar was apprehended who was trying to withdraw money from the A.T.M. machine. Prashant Kumar disclosed the name of the petitioner.

Mrs. Soni Srivastava, the learned counsel for the petitioner submits that except the name of the petitioner figured in the case on the basis of disclosure made by Prashant Kumar, there

is absolutely no material to connect the petitioner and even during the course of investigation no tangible material has been collected.

It appears that the apprehended accused was trying to withdraw money from A.T.M. by inserting the A.T.M. card and from his possession 10 A.T.M. cards of different banks were recovered. Prashant Kumar immediately on being apprehended disclosed the name of the petitioner. The petitioner has got two criminal cases namely Paliganj P.S. Case No. 104 of 2011 and Kurtha P.S. Case No. 40 of 2013, registered for the offences punishable under Section 420 and other Sections of the Indian Penal Code.

Considering the facts aforesaid and the fact that the petitioner appears to be accused in other cases of similar nature, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

However, the petitioner, if so advised, may surrender before the court below and the court below shall consider the prayer for regular bail of the petitioner without being prejudiced by this order.

(Prabhat Kumar Jha, J.)

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