

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32786 of 2015

Arising Out of PS.Case No. -128 Year- 2015 Thana -WARSALIGANJ District- -

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1. Dharmendra Kumar S/o Damodar Mistry Resident of Village Chakway,
P.S. Warisaliganj, District Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

4 10-11-2015 Heard the learned counsel for the petitioner as well as

the learned A.P.P.

The petitioner seeks bail in a case for the offences
punishable under sections 420, 467, 468, 471, 472, 406 and 34 of
the I.P.C

Allegedly, near A.T.M. booth of Oriental Bank of
Warsaliganj the petitioner seeing the police personnel tried to flee
away but was caught and after search four ATM cards of State
Bank and one ATM card of Oriental Bank, papers containing
mobile numbers, one mobile and cash of Rs. 9,000/- were seized
and the petitioner disclosed the name of other co-accused
regarding their involvement in cheating the innocent person.

Submission is of false implication only on suspicion.



The petitioner had gone to ATM booth to withdraw money but he was arrested. During investigation no one has come to claim that the petitioner has cheated any one. The A.T.M cards are either of the petitioner or of his family members and without any tangible material he is suffering in custody since 16.05.2015. Charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. after going through the case diary submits that the ATM cards recovered are of different persons which is evident from paragraph-49 of the case diary and the petitioner was caught with those ATM cards.

In the facts and circumstances as stated above, considering that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such the petitioner is 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 C.J.M. Nawada in Warisaliganj P.S. Case No. 128 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive

dates on his part without any reason shall disentitle the petitioner
from privilege of bail.

(Jitendra Mohan Sharma, J)

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