

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24272 of 2016

Arising Out of PS.Case No. -44 Year- 2016 Thana -BOCHHA District- MUZAFFARPUR

Subodh Kumar, son of Baiju Ram, Resident of village- Bishunpur Pandey,
P.S.- Minapur, District- Muzaffarpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Shashi Bhushan Singh, Advocate
For the Opposite Party : Mr. H.A.Khan, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 08-08-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is in custody in connection with
Bochahan P.S.Case No.44 of 2016, G.R.No.1659 2016 pending
in the Court of **CJM, Muzaffarpur** registered for an offence
under Sections 420 and 379/ 34 of the IPC.

As per the prosecution case, it is alleged by the
informant that on 20.04.2016 he was withdrawing money from the
SBI ATM at Sarfuddin market at 17.15 hours and during course of
withdrawal two unknown persons took his ATM for withdrawing
Rs.15,000/- but gave him Rs.5,000/- and they told that link is
failed. Just a little we will give you Rs.10,000/- after withdrawing
from another ATM, he received SMS on his mobile



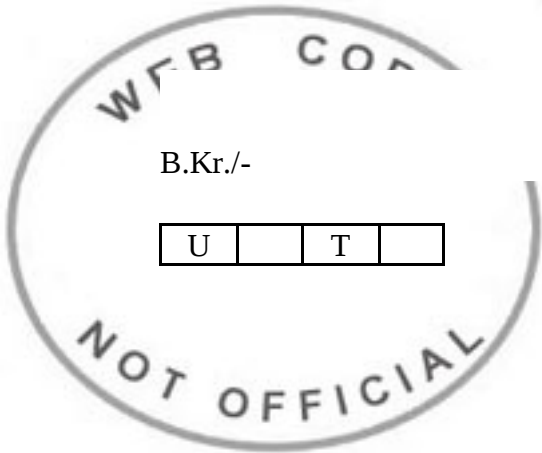
no.9507683727 for withdrawn, give my money, thereafter he began to Mar-pit and wanted to flee away and in the meantime, the vehicle of Bachahan P.S. has reached and one person was caught while his other companies have fled away. The person has named his Subodh Kumar (Petitioner) and who fled away named Rajesh Kumar and he told that the ATM of informant has fled away another person and has also withdrawn Rs.15,000/- From possession of the petitioner a duplicate ATM card has been recovered.

Learned counsel for the petitioner submits that the petitioner is in custody since 20.04.2016. Charge-sheet has been submitted in the case. Petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. There is no recovery of any stolen articles from the possession of the petitioner.

On behalf of the State, it is submitted that the petitioner is named in the FIR and he has been apprehended at the spot. The fake ATM card is also alleged to have been recovered from his possession. The other co-accused who managed to flee away had taken the ATM card of the informant.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner, the same is rejected

at this stage.



B.Kr./-

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(Sudhir Singh, J)