

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.948 of 2016

Arising Out of PS.Case No. -80 Year- 2015 Thana -DIGHA District- PATNA

1. Ratan @ Ratan Vijay Gupta Son of Vijay kumar Gupta Resident of K-406, Srinand City, Part-5, New Maninagar, C.T.M. Room Mall, P.s Ahmedabad, district Ahmedabad(Gujrat)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.5354 of 2016

Arising Out of PS.Case No. -80 Year- 2015 Thana -DIGHA District- PATNA

1. Ritesh @ Ramit @ Amit @ Vikash Chaturvedi, aged about 32 years Son of Sri Anil Kumar Chaturvedi, Resident of 203/B, Millennium Building, Shastri Park, Goregaon, (West), Mumbai, A/P 117/115, L Block, Navi Nagar, Kakadeo Kanpur, P.S. Kanpur City, Dist- Kanpur (U.P.)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.10422 of 2016

Arising Out of PS.Case No. -80 Year- 2015 Thana -DIGHA District- PATNA

1. Shoaib @ Shabab @ Chota Sahil son of Late Md. Ismail Khan R/o House N. 556, Subhash Nagar, Badaun Road, Bariely, P.S. - Subhash Nagar, District - Baraily (Uttar Pradesh).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.948 of 2016)

For the Petitioner/s : Mr. Sourendra Pandey

For the Opposite Party/s : Mr. Anish Chandra(App)

(In Cr.Misc. No.5354 of 2016)

For the Petitioner/s : Mr. Prakash Kumar

For the Opposite Party/s : Mr. Indra Kumar Singh (App)

(In Cr.Misc. No.10422 of 2016)

For the Petitioner/s : Mr. Sourendra Pandey

For the Opposite Party/s : Mr. Madan Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 11-03-2016

All the Criminal Miscellaneous are of the same occurrence and as such have been heard together and are being disposed of by passing this common order.

Heard the learned counsel for the petitioners as well as the learned A.P.P for the State.

The petitioners seek bail in a case for the offences punishable under sections 461 and 379 of the I.P.C and section 66 © (D) of the Information Technology Act.

One Mahsud Hasan, the Senior Investigator, Global Security lodged written report that on March 16, 2015 the cash management vendors informed about shortage of the large amount totaling Rs. 42.72 lakhs in three A.T.M. machines and from the images of the CCTV footage it is suspected that some unidentified have accessed the ATMs in an unauthorized manner and those individuals have withdrawn the amount by installing malware and thereby creating shortage.

Submission is of false implication and that without any legal and tangible material the petitioners have been remanded in this case only on the basis that they have got criminal



antecedents, the confessional statement of co-accused Sattyam has got no evidentiary value in the eye of law and further in the confessional statement of Sattyam, Ratan @ Ratan Gupta and Shoaib @ Shaheb @ Chota Sahil are not named, the petitioners have not been identified by any witness and after taking remand confessional statement of the petitioners have got been recorded which have got no evidentiary value in the eye of law, the petitioners have been allowed bail in all the cases which are lodged in Surat by the Additional Sessions Judge and in this case they are suffering in custody since 23.08.2015.

The learned A.P.P. opposes prayer for bail by submitting that one Gautam who is the master mind as well as Software Engineer, under his direction the petitioners and others used to withdraw money from the ATM machines by using malware.

In the facts and circumstances as stated above, considering detention of the petitioners, now they are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Md. Inam Khan, J.M. 1st Class, Patna in Digha P.S. Case No. 80 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 petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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