

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.5255 of 2016**

Arising Out of PS.Case No. -286 Year- 2015 Thana -SURSAND District- SITAMARHI

- =====
1. VINAY KUMAR BHARATI @ VINAY KUMAR @ MITHILESH KUMAR S/o Late Kishun Singh  
2. Monu Kumar @ Dharmendra Kumar sons of Sri Kant Singh Both resident of Village Pakari, Police Station Fatehpur, in the district of Gaya.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Anita Kumari Singh

For the Opposite Party/s : Mr. Manoj Kumar No.1(App)

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA**  
**ORAL ORDER**

3      26-02-2016                      Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners were caught just after the alleged occurrence and ATM card of the informant was recovered from possession of petitioner No. 2. Apart from this, 12 ATM cards of different persons were recovered from possession of petitioner No. 1 and similarly, 11 ATM cards of different persons were recovered from possession of petitioner No. 2.

Learned counsel for the petitioners submits that even if, prosecution story assumed to be true, then also, no money was withdrawn and moreover, there is nothing in the case diary to show that petitioners were caught by CCTV footage. It is further

submitted that subsequently, the informant filed a compromise petitioner, when she realized her fault and admittedly, the informant herself had given ATM card to petitioners.

Regard being has to the facts and circumstances of the case as well as submission of the parties, I am not inclined to release the petitioners on bail and accordingly, their prayer for bail in connection with Sursand P.S. Case No. 286 of 2015 pending in the court of Sri J.K. Kishku, learned Judicial Magistrate-Ist Class, Sitamarhi at Pupri stands rejected.

A.K.V./-

**(Hemant Kumar Srivastava, J)**

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