

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23151 of 2016

Arising Out of PS.Case No. -41 Year- 2016 Thana -GARDANIBAGH District- PATNA

- =====
1. Prince Kumar, son of Dhirendra Kumar
 2. Prince Kumar, son of Nripendra Singh Both resident of Village- Eroo, P.S.- Wazirganj, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Nagendra Kumar Singh

For the Opposite Party/s : Mr. P.N.Pandit(App)

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 02-08-2016

Heard learned counsel for the petitioners and the State.

The petitioners are in custody in connection with Gardanibagh P.S.Case No. 41 of 2016 registered under Sections 414, 417, 419, 420, 467, 468 and 471/34 pending in the court of Sri Manoj Kumar, Vth, learned Judicial Magistrate, 1st Class, Patna.

It is alleged by A.S.I., Gardanibagh, Patna that while he was on patrolling duty he got information that three persons have entered into the cabin of A.T.M. of S.B.I and mishandling the A.T.M. He reached there. On seeing the police party one of the persons fled away and the petitioners were apprehended by the police. Search was made in presence of independent witnesses and Rs.20,500/- kept in a purse, one Samsung mobile and one A.T.M. Card of S.B.I. were recovered

from the pocket of the petitioner no.1, Rs. 20,000/- kept in purse, one Samsung mobile, one A.T.M. Card of P.N.B and one A.T.M Card of S.B.I. were recovered from the possession of petitioner no.2. Both accused persons confessed before the police in this regard.

It is submitted on behalf of the petitioners that the petitioners are in custody since 23.02.2016. Charge sheet has been submitted in this case. There is no allegation of tampering of witnesses against the petitioners. Recovery amount from the possession of the petitioners is claimed to be of the petitioners. The petitioners have been made accused in this case due to mistake of fact.

On behalf of the State, it is submitted that the petitioners are named in the FIR. The allegation is for making fraudulent withdrawal from A.T.M. of S.B.I. The petitioner no.1 has got criminal antecedent.

Considering the aforesaid facts and circumstances of the case I am not inclined to grant bail to the petitioners and same is rejected at this state.

(Sudhir Singh, J)

singh/-

U		T	
---	--	---	--