

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50985 of 2016

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

Jahagir @ Jahagir Shekh, S/o Jamal Shekh, Present Add- Flat No.-27, Second Floor, Pale Sahpir Bhuilding, Baba Nagar, Gopchar Para, P.S.- Viror Distt- Palghar. East Mumbai (Maharashtra) Permanent add- Chotti Dargah, P.S.+Distt- Lakhisarai (Bihar).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Nityanand Kumar, Advocate

For the Opposite Party : Smt Sangeeta Sharma, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 28-11-2016 Heard the learned counsel for the petitioner and the learned APP for the State.

Petitioner is languishing in judicial custody since 28.09.2015 in connection with PIRbahore P.S.Case No.80 of 2015 for offence alleged under Sections 461, 379 and 120(B) of the IPC and Sections 66(C) and (D) of the Information Technology Act.

The prosecution case as lodged by one Sauraj Kumar Channel Manager of Prizam Payment Services Private Limited who manages the ATM Machines of various banks, is that some unknown identified persons have hacked the ATM machine installed and injected a malware thereby extracting and stealing Rs.21,04,000/-.



It has been submitted by the learned counsel for the petitioner that he is not named in the FIR and his name has cropped up on the confessional statement of co-accused. He further submits that except the confessional statement nothing else has come up against the petitioner. He further submits that other co-accused similarly situated and also co-accused Sunil Singh @ Semi @ Sem has since been granted the privilege of bail by a Coordinate Bench of this Court in Cr.Misc.No.14486 of 2016 on 13.05.2016. He further submits that chargesheet has already been submitted against him, hence there is no chance of tampering with the prosecution evidence.

However, learned APP for the opposer opposes the prayer for bail.

Be that as it may, since other co-accused on similar allegation have already been granted bail, let the above named petitioner 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 learned CJM, Patna, District-Patna in connection with Pirbahore P.S.Case No.80 of 2015.

Out of the two sureties, one surety must be of a close relative of the petitioner and another bailor having sufficient immovable property within the jurisdiction of the court concerned

and the petitioner shall remain present on each and every date during trial. Failure to appear on two consecutive dates without assigning any reason would entail cancellation of his bail bonds.

With these observations and directions, this bail application stands allowed.

(Nilu Agrawal, J)

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