

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4813 of 2016

Arising Out of PS.Case No. -102 Year- 2015 Thana -EKMA District- SARAN

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1. Sanjay S/o Ramswarup, Resident of Village Hajampur P.S. Hansi, Distt. Hisar (Haryana).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumari Rashmi

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary-I(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 30-03-2016

As prayed for, the learned counsel for the petitioner is permitted to correct para-1 of the application during the course of the day.

Heard the learned counsel for the petitioner, learned counsel for the informant and the learned A.P.P. representing the State.

The petitioner seeks bail in connection with Ekma P.S. Case No. 102 of 2015 registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code and Section 66 of the IT Act.

Allegedly, ATM card of the informant was changed when he had gone to withdraw the amount and thereafter from the account of the informant amount of Rs. 7,75,139/- was withdrawn and the ATM card which was given to the informant

was in the name of one Harendra Kumar Gupta. During investigation, the petitioner was apprehended and several ATM cards were recovered and further, ATM card of the informant was also recovered and the informant identified the petitioner that he has changed his ATM card and gave another ATM card.

Submission is of false implication and that the petitioner has been made victim of the circumstances, he is a poor driver, he is suffering in custody since 03.08.2015, the ATM of the informant was recovered from the vehicle not from the conscious possession of the petitioner, and as such, the petitioner deserves sympathetic consideration, to which the learned APP duly assisted by the learned counsel for the informant opposes by submitting that the informant has identified the petitioner and further his ATM card was also recovered.

In the facts and circumstances stated above, at this stage, this Court is not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected in connection with Ekma P.S. Case No. 102 of 2015 pending in the court of learned Judicial Magistrate, 1st Class, Chapra, Saran.

(Jitendra Mohan Sharma, J)

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