

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3900 of 2016

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

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Sunil Singh @ Semi @ Sem S/O Sabha Ram Singh, R/O 1205 Penakal
Dreams, P.S.- Indore, District- Indore (M.P).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.9987 of 2016

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

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Shambhu @ Karan Singh S/o Ramadhar Satdev Jha R/o Halakhpura, P.S. -
Gadhpora, District - Begusarai.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

(In Cr.Misc. No.3900 of 2016)

For the Petitioner/s : Mr. Rina Sinha, Advocate

For the Opposite Party/s : Mr. C.Sen Pd.Singh, APP

(In Cr.Misc. No.9987 of 2016)

For the Petitioner/s : Mr. Rina Sinha, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary 1 , APP

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 17-03-2016 Both the Criminal Miscellaneous Applications 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 and

the learned A.P.P. representing the State.

The petitioners seek bail in connection with Digba P.S. Case No. 80 of 2015 registered for the offences punishable under Sections 379, 461 of the Indian Penal Code and Section 66(C) of the I.T. 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it is suspected that some unidentified has accessed the ATMs in an unauthorized manner and those individuals have withdrawn the amount by installing malware and thereby creating shortage.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, the petitioners have not been identified by any witness and without any legal and tangible material, they are suffering in custody, 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 24.08.2015.

Learned A.P.P. opposes the prayer of bail by submitting that the petitioners and others have committed the crime and mastermind is one Gautam who is a software engineer.

In the facts and circumstances stated above, considering detention of the petitioners, now they are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Patna, in connection with 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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