

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14486 of 2016

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

=====

1. SUNIL SINGH @ SEMI @ SEM Son of Sabha Ram Singh, Resident of
1205 Penical Dream, Nepania, P.S. & Distt.- Indore (M.P.)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

with

Criminal Miscellaneous No.18068 of 2016

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

=====

Shambhu @ Karan Singh @ Shambhu Jha son of Ramadhar Satdev Jha,
R/O Halakhpura, P.S. Gadhpura, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

(In Cr.Misc. No.14486 of 2016)

For the Petitioner/s : Mr. Bipin Kumar

For the Opposite Party/s : Mr. Ashok Kr.Singh (App)

(In Cr.Misc. No.18068 of 2016)

For the Petitioner/s : Mr. Rina Sinha

For the Opposite Party/s : Mr. Dr. Kr.Uday Pratap(App)

=====

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

ORAL ORDER

3 13-05-2016 Both the Criminal Miscellaneous 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 as well

as the learned A.P.P for the State.

The petitioners seek bail in a case for the offences

punishable under sections 461 and 379 of the I.P.C and section 66 © (d) of the I.T. Act.

One Sauraj Kumar, the Channel Manager, lodged the written report alleging therein that some unidentified persons have opened the ATM and injected a malware in the ATM and in that way committed theft of Rs. 21,04,000/-.

Submission is of false implication and that the petitioners are not named in the FIR, only on the basis of confessional statement of co-accused Satyam Kumar who was arrested by the police in Begusarai P.S. Case No. 144 of 2015 they have been implicated, there is no recovery and without any legal and tangible material they are suffering in custody since 23.08.2015, similarly situated co-accused Ritesh @ Ramit @ Amit @ Vikash Chaturvedi has already been allowed bail vide Cr. Misc. No. 13282 of 2016 by order dated 07.04.2016 by another coordinate Bench of this Court and further the petitioners have been allowed bail at Surat by the Additional Sessions Judge in all the cases.

The learned A.P.P. opposes prayer for bail by submitting that the petitioners and others have committed the crime.

In the facts and circumstances as stated above,

considering that co-accused has been allowed bail, charge sheet has already been submitted and as such the petitioners are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of C.J.M. Patna in Pirbahore 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)

Abhay/-

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