

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58615 of 2015

Arising Out of PS.Case No. -121 Year- 2015 Thana -DALSINGHSARAI District- SAMASTIPUR

1. Rahul Kumar Son of Manoj Jha R/o Village Ram Nagar, P.S. Sakara,
District Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sujit Kumar Singh

For the Opposite Party/s : Mr. Mustaque Alam(App)

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

3 09-03-2016 Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offence
punishable under section 420 of the I.P.C

Allegedly, Shiv Nandan Das, the brother of the
informant, went at Canara Bank A.T.M at Dalsinghsarai where
one unknown young boy cunningly exchanged A.T.M. card and
thereafter from the account of Shiv Nandan Das amount of Rs.
3,40,000/- was withdrawn in several transactions and from the
C.C.T.V. Camera footage the informant identified the petitioner
who was arrested by the police.

Submission is of false implication and that the
informant has not gone in the ATM with his brother, the brother of



the informant has not filed this case, the petitioner has not been put on the test identification parade, the informant is not the competent witness who can identify the real culprits, the victim brother of the informant has not been examined during investigation, the confessional statement of the petitioner has been recorded after adopting third degree method and as such the petitioner who is suffering in custody since 27.09.2015 deserves sympathetic consideration, to which the learned A.P.P. opposes by submitting that from the photo of the CCTV footage of that ATM the petitioner has been identified and the petitioner has confessed his guilt also.

In the facts and circumstances as stated above, considering that brother of the informant who is the victim has not been examined during investigation, the petitioner has not been put on the test identification parade and as such considering detention of the petitioner, now he is directed to 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 A.C.J.M. Dalsinghsarai, District- Samastipur in Dalsinghsarai P.S. Case No. 121 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 petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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