

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27548 of 2016

Arising Out of PS.Case No. -271 Year- 2015 Thana -RANIGANJ District- ARRARIA

1. Vivek Kumar Jha, Son of Sri Ajit Kumar Jha, Resident of Village- Beley Pothiya, P.S. Simraha, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ambrish Rahul

For the Opposite Party/s : Sri Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

05/ 19.09.2016 Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State.

Petitioner seeks bail in a case registered under section 420 of the Indian Penal Code and section 66 (B) (C) (D) of the I.T. Act.

Petitioner is not named in the first information report but in course of investigation, Investigating officer collected CCTV footage in which the image of the petitioner was caught and the same was identified by son of informant which is evident from perusal of para 21 of the case diary but according to the written report of the informant, son of the informant was not present when the petitioner allegedly helped informant in withdrawing the cash from ATM. The second circumstance which is said to be collected by the I.O against the petitioner is said to be recovery of ATM card of the informant from the possession of the petitioner but the informant has, nowhere, claimed in his written report that his ATM card was replaced by

unknown person.

Submission on behalf of the petitioner is that petitioner does not have any criminal antecedent and there is nothing in the CCTV footage to show that the petitioner was present along with the informant on the alleged date of occurrence near ATM machine.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of this fact that investigation against the petitioner has already been completed, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Sub divisional Judicial Magistrate, Araria in Raniganj P.S. Case no. 271/2015.

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(Hemant Kumar Srivastava,J)

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