

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37513 of 2016

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

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1. MD. SHOEB SHEIKH @ MD.SOEB Son of Kamal Pasa Sheikh
Resident of Village- Tajiamohalla Tarapur, P.S.- Baisar, District- Palgha
(Maharashtra)

2. Jahangir Jamal Sheikh @ Jahangir Sheikh Son of Jamal Sheikh Resident
of Village- Gopecharpara, Babanagr, Baleshah, Pirbuilding, 2nd Floor
Room No.27, Vishar E. Mumbai, P.S.- Pachmarg, District- Palgha
(Maharashtra)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha

For the Opposite Party/s : Mr. Bhanu Pratap Singh

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

3 18-11-2016

Heard both sides.

The petitioners seek bail in Digha P.S. case No.
80/2015 under Section 461, 379, 120B of the Indian Penal Code
and under Section 66 (C) (D) of the I.T. Act.

The informant, Mashud Hasan, the Senior
Investigator, Global Security, lodged a written report that on
16.03.2015 cash management vendors informed about the shortage
of large amount totaling Rs. 42.72 lakhs in three A.T.M. machines
and from the images of CCTV footage it is suspected that some
unidentified accused had accessed to the A.T.Ms in an
unauthorized manner and those individuals have withdrawn the
amount by installing malware.

The learned counsel for the petitioners submits that the petitioners were arrested on the basis of confessional statement of co-accused recorded in paragraph 52 and onwards of the case diary. Save and except the confessional statement of the co-accused as well as of the petitioners there is no material on record to show that petitioners had any access to any A.T.M. Even the footages of CCTV were not compared with the photographs of the petitioners. Other accused persons have already been granted bail vide order passed in Cr. Misc. No. 948 of 2017 and its analogous cases and in Cr. Misc. No. 3900 of 2016. The case of the petitioners stands on the same footing.

Considering the facts aforesaid and the nature of allegation made against the petitioners, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Md. Inam Khan, learned Judicial Magistrate, 1st class, Patna in Digha P.S. Case No. 80 of 2015.

(Prabhat Kumar Jha, J)

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