

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15573 of 2016

Arising Out of PS.Case No. -246 Year- 2015 Thana -DARBHANGA District- DARBHANGA

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Raushan Kumar, son of Satyendra Singh, resident of Village - Bajaul, P.S. - Wazirganj, District - Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey(APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 24-05-2016 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner is languishing in jail since 25.12.2015 in connection with Darbhanga Town P.S. Case No. 246/15 for offences alleged under Sections 414, 420, 467, 468, 120-B of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that petitioner has been caught red-handed from Axix Bank ATM situated at G.M. Road, Darbhanga attempting to flee away with the ATM card of one Chanchala Jha. On enquiry petitioner disclosed that he along with his associate Bablu Kumar is in habit of exchanging ATM cards on pretext of helping ordinary consumers in withdrawing cash from ATM.



It has been submitted by the learned counsel for the petitioner that he is innocent and has falsely been implicated in the aforesaid case. He submits that withdrawal of money from the ATM of said Chanchala Jha and Shankar Pandit, whose ATM was found in the possession of the petitioner, has not been alleged to have made from the ATM and the ATM of said Chanchala Jha is also not part of seizure-list. He further submits that in absence of knowing PIN code these ATM cards are of no use. It has further been submitted that the petitioner is a man of means and undertakes not to tamper with the evidence or abscond. He further submits that no case under Section 420 or 467 of the Indian Penal Code is made out against the petitioner.

However, learned APP for the State submits that the petitioner has been caught red-handed and earlier has two cases pending against him, hence, opposes the prayer for bail.

Be that as it may, since no overt act has been alleged to have been committed by the petitioner and considering the period of custody, let petitioner, above named, 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 learned Chief Judicial Magistrate, Darbhanga in connection with Darbhanga Town P.S. Case No. 246/15. It is, however, made clear

that if the petitioner, who has a past history of similar offence, if in future, is found to have indulged in a case of similar nature, the learned court below will be at liberty to cancel the bail bonds of the petitioner without being prejudiced with this order.

(Nilu Agrawal, J.)

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