

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.780 of 2016

Arising Out of PS.Case No. -448 Year- 2015 Thana -GOPALGANJ CITY District- GOPALGANJ

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Anup Kumar Sharma, Son of Arbind Sharma Resident of village - Sipah
Khas Prashu Rampur, P.S. - Manjhagarh, Distt - Gopalganj.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Mohammad Sufyan

For the Opposite Party : Mr. Shailendra Kumar Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 09-03-2016 Heard learned counsel for the petitioner and learned
A.P.P representing the State.

The petitioner seek bail in connection with Goplaganj
P.S. Case No. 448 of 2015 registered for the offences punishable under
Sections 465, 468, 471, 420, 120(B) of the Indian Penal Code.

Allegedly, the petitioner and co-accused Gudan Kumar
were apprehended by the informant and another police personnel near
ATM booth and from possession of the petitioner nine ATM cards
standing in the different names were recovered besides mobile and cash
of Rs. 3,000/- and further from possession of co-accused Gudan Kumar
also nine ATM cards, one mobile and motorcycle were recovered. It is
alleged that both are involved in withdrawing the amount with the help
of ATM cards illegally.

Submission is of false implication and that hardly, it is a

case of an attempt to commit fraud and forgery, during investigation no victim has come forward that the petitioner withdrew the amount from his account and only on the basis of the confessional statement and the alleged recovery he has been suffering in custody since 07.11.2015 having no criminal antecedents, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned APP opposes the prayer of bail.

In the facts and circumstances stated above, considering the period of detention and further charge sheet has also been submitted and as such petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Gopalganj P.S. Case 448 of 2015, subject to conditions that one of the bailors must be 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 petitioners from privilege of bail.

(Jitendra Mohan Sharma, J.)

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