

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2356 of 2017

Arising Out of PS.Case No. -224 Year- 2016 Thana -CHAKIA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Armann Gawala, Son of Late Kamal Gawala, Resident of Village- Fatapukur, P.S.- Rajganj, District- Jalpaigudi, State- West Bengal.
 2. Shakti Gawala, Son of Sharma Gawala, Resident of Village- Fatapukur, P.S.- Rajganj, District- Jalpaigudi, State- West Bengal.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 08-03-2017 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in connection with Chakia P.S. Case No.224 of 2016 registered under Sections 420 and 379/34 of the Indian Penal Code.

The accusation is that on 21.07.2016, when the informant reached at the A.T.M. situated at Sahebganj Road for withdrawing the money then he saw that one person was tampering with the A.T.M.. When the informant entered into the cabin of A.T.M., that person, moved from there. Thereafter, the informant started to withdrawing the money from A.T.M.. As soon as the informant



entered his PIN on the A.T.M., that person pressed the button of balance. On the protest being made by the informant, that person made regret. Again, when the informant started to withdraw the money and entered the PIN, that person pressed another button. When the informant again made protest then that person asked the informant that he is helping him and started to come to the ATM. Thereafter, one another person entered the cabin of the A.T.M. and told the informant that the link is not in working condition. After waiting sometime, when the message on screen of A.T.M. was not changed, then the informant moved from there. After five minutes, the informant received message on his mobile about withdrawing of Rs.20,000/-, then the informant went to the Bank where he was informed that Rs.20,000/- has been withdrawn from A.T.M. on 07.09.2016, the informant came to know about apprehending of thieves of A.T.M., then the informant went to the police station and saw that the same persons were apprehended, whose names were Armann Gawala and Shakti Gawala (petitioners).

Learned counsel appearing on behalf of the petitioners submits that, in fact, the petitioners have falsely been implicated in this case on mere suspicion. The petitioners are in custody since 17.09.2016. Further submission is that while the petitioners are



accused in one more case, as detailed in paragraph-3 to this application, but in that case, the petitioners are on bail.

Having regard to the facts and the circumstances of the case, the petitioners, above named, are directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, East Champaran at Motihari, in connection with Chakia P.S. Case No.224 of 2016.

(Rajendra Kumar Mishra, J)

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