

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39677 of 2017

Arising Out of PS.Case No. -158 Year- 2017 Thana -KUCHAIKOTE District- GOPALGANJ

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1. Abhishek Kumar son of Rup Narayan Manjhi, Resident of Village-Saraiya, Ward No. 5, P.S.- Gopalganj, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Thakur, Adv.

For the SBI : Mr. Satya Prakash Tripathy, Adv

For the Opposite Party/s : Mr. Sri Rana Randhir Singh, AP.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 06-09-2017 Heard the parties.

The petitioner seeks regular bail in connection with Kuchaikote P.S.Cas No.158 of 2017 registered for offences punishable under Sections 379, 420 and 34 of the Indian Penal Code and Section 66(C) of I.T. Act.

Allegation, as per FIR, against the petitioner is of withdrawal of Rs.5,00,000/- and odd from the account of the informant.

Submission of the learned counsel for the petitioner is that he is not named in the FIR and later on during the course of investigation, his name has transpired. The petitioner is an Assistant of the Bank and he has nothing to do with the ATM of the informant. It is further submitted that so far allegation of



sending the ATM Card to some other persons is concerned, that is not duty of the petitioner rather ATM Card comes from Bangalore and the passwords are also supplied by Bangalore and it can't be stated that the petitioner has changed the same. The petitioner is in custody since 27.6.2017.

Heard learned A.P.P. also and Sri Satya Prakash Tripathy, learned counsel for the S.B.I. Learned counsel for the SBI has submitted that the ATM card and the Passwords are supplied by Bangalore. They have opposed the prayer for bail of the petitioner on the ground that the petitioner has changed the password and thereafter he withdrawn Rs.5,00,000/- and odd from his account.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M. VII, Gopalganj in connection with Kuchaikote P.S.Case No.158 of 2017.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to



appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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