

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34389 of 2017

Arising Out of PS.Case No. -237 Year- 2017 Thana -SHEKHPURA District- SEKHPURA

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1. Binay Kumar @ Binay Bharti @ Mithilesh Kumar Son of Late Kisun Singh, resident of Village- Pakari, P.S.- Fatehpur, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma

For the Opposite Party/s : Mr. Sri Ramchandra Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 11-09-2017 Heard learned senior counsel for the petitioner and learned APP for the State.

Petitioner is languishing in judicial custody since 31.05.2017 in connection with Sheikhpura P.S. Case No. 237 of 2017 for offences punishable under Sections 392 and 411 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that while he was taking away money from SBI ATM counter, two miscreants snatched his ATM card along with Rs. 200. However, the person who has snatched the same, managed to flee away but two other persons who were running in the car, were apprehended. Petitioner being one of them and from his possession 22 ATM cards was recovered and accordingly, a seizure list was prepared.



It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that none of the witnesses have claimed the ownership of the ATM Card and that it is only on the basis of suspicion that he has been made accused. No overt act has been alleged to have been committed by the petitioner.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, 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 learned Chief Judicial Magistrate, Sheikhpura, in connection with Sheikhpura P.S. Case No. 237 of 2017 subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds. It is also made clear that if the petitioner indulges in an offence of similar



nature in future, the prosecution will be at liberty to move the court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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