

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52460 of 2017

Arising Out of PS.Case No. -53 Year- 2017 Thana -DARBHANGA District- DARBHANGA

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1. Akash Kumar S/o Kamal Sah, R/o Village- Kanti, Ward No. 9, P.S.-
Kanti, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha

For the Opposite Party/s : Mr. Sri Bhanu Pratap Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 15-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
09.08.2017 in connection with Darbhanga Town P.S. Case No. 53
of 2017 for offences punishable under Sections 406, 420, 379 of
the Indian Penal Code.

The prosecution case, as lodged by the informant, Lalita
Shaw, is that when she had gone to withdraw money from Donar
SBI ATM, a 25 years old boy, with intention to help her took her
ATM Card and changed it, thereafter, she received messages in
her mobile of withdrawal of Rs. 63,500/- from her account.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the First Information



Report and it is only on the basis of confessional statement made by the petitioner and one other co-accused Gautam Kumar in Darbhanga Town P.S. Case No. 114 of 2017 that he has been remanded in the present case. He submits that the informant has identified him in the police lock-up and the confessional statement before the police has no evidentiary value in the eye of law. It has further submitted that the petitioner is languishing in judicial custody for more than three months.

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, Darbhanga, in connection with Darbhanga Town P.S. Case No. 53 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. 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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