

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53177 of 2017

Arising Out of PS.Case No. -12 Year- 2017 Thana -KHAGARIA RAIL P.S. District- KHAGARIA

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1. Shambhu Yadav, Son of Banarsi Prasad Yadav, Resident of Village- Maheshpur Hario, P.S.- Bihpur, District- Bhagalpur.
2. Ramji Kunwar @ Ramji Kumar, Son of Ramavatar Kunwar, resident of Village- Tulsipur, P.S.- Kharik, District- Bhagalpur..... .. Petitioner/s
Versus

1. The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal
For the Opposite Party/s : Mr. Sri Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 28-11-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Khagaria Rail P.S. Case No. 12 of 2017 instituted for the offence under Sections- 379, 420, 467, 468 of the Indian Penal Code.

It is alleged in the written report that while informant was traveling by train from Darbhanga to Naugachia and when he reached to Naugachiya, he found his small bag missing, containing HDFC bank ATM, Axis Bank ATM, Aadhar Card, Pan Card, Voter Card, House Key, Cash of Rs. 5,000/- and a ladies watch. Informant blocked his several ATM Cards with the help of customer care number. However, Rs. 98,000/- was withdrawn from AXIS Bank. During investigation, it came to light that the aforesaid amount has been withdrawn by Swipe machine of a Petrol Pump, namely, Maa Gayatri Fuel Center Narayanpur (Bihpur).

It is submitted by the learned counsel for the petitioner that the petitioner no. 1 is Manager and petitioner no. 2 is a nozzle man of the said petrol pump. No ATM Card has been recovered from their



possession. Petitioners have no criminal antecedent, which appears from paragraph no. 3 of the petition.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners named above in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Khagaria Rail P.S. Case No. 12 of 2017 to the satisfaction of learned Additional Chief Judicial Magistrate, Khagaria subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioner and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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