IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51596 of 2016

Arising Out of PS.Case No. -5 Year- 2014 Thana -ARWAL District- JEHANABAD

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Vikash Kumar, Son of Ashok Kumar, resident of Mohalla - New Area, Nawada, Police Station and District – Nawada.

.... Petitioner

Versus

The State of Bihar .... Opposite Party

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Appearance :
For the Petitioner : Mr. Manish Kumar No-2, Advocate
For the Opposite Party : Mr. Vinod Shankar Modi (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 16-01-2017 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner apprehends his arrest in connection with Arwal P.S. Case No. 05 of 2014, registered for the offences punishable under Sections 420 and 379 of the Indian Penal Code.

Allegedly, the A.T.M. card of the informant was changed from his account, amount of Rs. 1,70,000/- was withdrawn and further in the account of Vidyawati Devi, the same was deposited. During investigation, petitioner was apprehended and from his possession several A.T.M. cards including the A.T.M. card of the informant of this case was also recovered and on that basis now, the petitioner is being searched in this case.

Submission is of false implication and that no offence as alleged is made out against the petitioner. The petitioner was arrested and he has been released on bail and again for the same

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recovery he has being searched to be arrested in this case and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail and submits that against the petitioner there is ample material. The petitioner was apprehended in suspicious manner with several A.T.M. cards and cash of Rs. 31,000/- and the A.T.M. card of the informant has also been recovered from possession of this petitioner and, as such, he is kingpin of this case also.

In the facts and circumstances as stated above, considering the recovery of A.T.M. card of the informant of this case from possession of the petitioner, I am not inclined to grant privilege of pre-arrest bail to him and accordingly his such prayer stands rejected in connection with Arwal P.S. Case No. 05 of 2014, pending in the Court of learned Chief Judicial Magistrate, Arwal.

However, in case and if so advised the petitioner surrenders and seeks regular bail then his prayer for regular bail shall be considered preferably on the same day on its own merits without being prejudiced by the order of this Court.

(Jitendra Mohan Sharma, J.)

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