

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40761 of 2017

Arising Out of PS.Case No. -368 Year- 2017 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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Anuj Kumar, Son of Mithilesh Sahni, Resident of Village-Madhuban Kanti,
P.S. Kanti, District-Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi

For the Opposite Party/s : Mr. Sri Ram Sumiran Roy

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 02-11-2017 The petitioner is permitted to make correction in the nomenclature of the petition wherein it has been stated that instead of resident of village-Madhuban Kanti, P.S. Kanti District-Muzaffarpur it should be resident of village-Madhuban Kanti, P.S. Meenapur, District-Muzaffarpur.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner is languishing in judicial custody since 25.05.2017 in connection with Motihari Town P.S. Case No. 368 of 2017 for offences punishable under Sections 406, 420, 379, 413, 467, 468 read with Section 34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that while his daughter had gone to take out money from the



A.T.M. three boys were standing in front of her who asked her to withdraw the money. Boys took her A.T.M. card and gave another A.T.M. card. On raising Hulla people gathered and the petitioner was apprehended while other two persons managed to flee away who disclosed that they are 11-12 in numbers who take out money from the A.T.Ms. The petitioner was found to be carrying three A.T.M. cards of different banks and Rs. 40,000/- in cash. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, no cash transaction was done from the A.T.M. card of the informant's daughter and that the petitioner has been falsely implicated in the aforesaid case. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and is involved in two more cases of similar nature earlier.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on completion of nine months in custody 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, East Champaran at Motihari in connection with Motihari Town P.S. Case No. 368 of 2017, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (2) 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.
- (3) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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