

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40865 of 2018

Arising Out of PS. Case No.-49 Year-2018 Thana- SHEOHAR District- Sheohar

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1. Raushan Kumar Son of Jugeshwar Mahto
 2. Rajesh Mahto @ Rajesh Kumar Mahto Son of Mahendra Mahto
Both residents of Village - Mathiyar Kala, P.S. Sahiyara, District
Sitamarhi.
 - 3.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Advocate Ms. Kanchan Kumari, Advocate
For the Opposite Party/s	:	Mr. Sri Madan Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-07-2018 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

Petitioners are languishing in judicial custody since
21.03.2018 in connection with Sheohar P.S. Case No. 49 of
2018 registered for the offence punishable under Sections 413,
414, 419 and 420 of the Indian Penal Code.

The prosecution case, as lodged by the police personnel
is that while on patrolling duty, they came across a motorcycle
standing near the A.T.M. kiosk and two motor cyclists standing
in suspicious condition. The police apprehended the two
persons who are petitioners and from possession of petitioner
no. 1, seven A.T.M. cards of different persons and one mobile



were recovered and from the possession of petitioner no. 2, three A.T.M. cards were recovered, one of which is alleged to be of petitioner no. 2, who revealed that they changed the A.T.M. cards with simple customers and took out their money from the A.T.M.

It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal history and have been falsely implicated in the aforesaid case. He submits that no overt act is alleged to have been committed by them. There is no complaint that the petitioners took out their money from the A.T.M. He submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioners.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioners, named above, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sheohar in connection with Sheohar P.S. Case No. 49 of 2018, subject to the conditions that:



(1) One of the bailors would be close relative of the petitioners having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioners.

(2) The petitioners 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 their bail bonds.

(3) It is also made clear that if, in future, petitioners indulge in an offence of similar nature, the prosecution will be at liberty to move the learned Court below for cancellation of their bail bonds.

(Nilu Agrawal, J.)

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