

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.56491 of 2017

Arising out of PS.Case No. -145 Year- 2016 Thana -KARAHGAR District- SASARAM (ROHTAS)

Nirbhay Kumar, son of Kanhaiya Prasad Sharma @ Kanhaiya Pd. Sharma
Singh, resident of village-Lalapur, Police Station-Kudra, District-Kaimur
(Bhabhua)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Saroj Kumar Sharma

For the Opposite Party/s : Mr. Arbind Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 11-01-2018 Heard the learned counsel for the petitioner and the
learned APP for the State.

This is an application for grant of anticipatory bail in
connection with Kargahar P.S. Case No. 145 of 2016 registered
for the offence punishable under Sections 406, 407, 408 and
420/34 of the Indian Penal Code.

The case of the prosecution is that after Kargahar P.S.
Case No. 90 of 2016 was filed and investigation was made upon
direction of the Superintendent of Police by the security agencies,
it was found that short cash was stacked in the A.T.Ms. and the
same has resulted in a huge loss to the Bank. It has been submitted
that there were two teams which were involved in stacking money
in the A.T.Ms. and the petitioner is one of the members of one of
the team.



The learned counsel for the petitioner submits that while the petitioner was in custody in connection with Kargahar P.S. Case No. 91 of 2016, the present case has been lodged and he has already been granted bail in Kargahar P.S. Case No. 91 of 2016. It is further submitted that the petitioner was informant of Kargahar P.S. Case No. 90 of 2016 in which it has been alleged that some thieves have stolen the money while the petitioner and others were going to stack money in the A.T.Ms.

I have perused the case diary and find that the complicity of the petitioner in the alleged occurrence cannot be ruled out. It is also apparent that there was slackness on the part of the petitioner in filing the Kargahar P.S. Case No. 90 of 2016 and thereafter Kargahar P.S. Case No. 91 of 2016. It further transpires that the petitioner has obtained regular bail in Kargahar P.S. Case No. 91 of 2016. It is also apparent that as far as the present case is concerned, the same has got no connection with the petitioner being either in custody or outside custody since the same pertains to two teams being responsible for stacking money in the A.T.Ms. and upon enquiry short cash having been detected which apparently was done in connivance with the members of the two teams of which the petitioner is one of the member.

In view of the aforesaid, I am not inclined to grant



anticipatory bail to the petitioner. However, if so advised, he may approach the learned trial court for grant of regular bail which may be disposed off on the same day without being influenced by the present order.

The petition is disposed off.

(Mohit Kumar Shah, J)

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