

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59608 of 2018

Arising Out of PS.Case No. -75 Year- 2018 Thana -DEWARIA District- MUZAFFARPUR

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Sunil Kumar, S/o Naresh Rai, R/o Village- Chatursi, P.S.- Siwaipatti,
District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate.

For the Opposite Party/s : Smt. Anita Kumari Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 06-10-2018 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Deoriya P.S. Case No. 75
of 2018 instituted for the offence under Sections 341, 323,504,
420, 379/34 of Indian Penal Code and Section 66(c) of I.T. Act.

It is alleged in the written report that informant had
gone to withdraw the amount from ATM, but money could not be
withdrawn. One person, who was in the queue behind the
informant, took the ATM Card from the informant saying that he
can insert ATM Card properly in the ATM. Thereafter, he inserted
the card in ATM but money could not be withdrawn. When the
informant returned to the house he got message in his Mobile
phone that Rs.40,000/- has been transferred from his account. He
went to search that man at the ATM but he was not there. It is



further alleged that again on 3.6.2018, the informant went to withdraw money then he saw the aforesaid man and he was apprehended. He disclosed his name as Sunil Kumar (petitioner).

Counsel for the petitioner submits that informant has not lodged case on 29.04.2018 on the date when he alleged that his ATM Card was given to the petitioner and after delay of two months i.e. 3.6.2018, the instant case has been filed. Counsel for the petitioner further submits that there is no recovery of any incriminating article from possession of the petitioner.

Petitioner is said to be in custody since 3.6.2018.

Considering the aforesaid facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Ms. Priti Kumari, learned Judicial Magistrate, 1st Class, Muzaffarpur, in connection with Deoriya P.S. Case No. 75 of 2018, subject to the condition that both the bailors will be close relatives of the petitioner.

(Sanjay Priya, J)

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