

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40654 of 2018

Arising Out of PS.Case No. -111 Year- 2018 Thana -MAHESI District- EASTCHAMPARAN
(MOTIHARI)

=====

1. Prakash Anand S/o Sri Upendra Singh @ Upendra Prasad Singh, R/o
Vill.- Akuraha Khargi , P.S.- Kanti, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh

For the Opposite Party/s : Ms. Gulnar Begum

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 18-08-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner has been in custody since 10.05.2018
in connection Mehshi P.S. Case No. 111/2018 with registered for
the offences punishable under Sections 379/420/411/414/34 of
the Indian Penal Code.

Learned counsel for the petitioner submits that
though it is alleged that petitioner was in possession of several
ATM cards, there is no further material to indicate that the
petitioner had been using the said cards for withdrawing money
in the recent past. It is further submitted that the entire
investigation does not reveal that any money had been



withdrawn from the aforementioned ATM cards which form and find place in the seizure list. Learned counsel for the petitioner further submits that the petitioner has a clean antecedent and has been arrested on mere suspicion and the main accused Dipak Mahto, who had allegedly given the said cards, has since escaped. Learned counsel for the petitioner further submits that the petitioner is willing to abide by the terms and conditions of this Court and he is having no criminal antecedent, therefore, he may be released on bail.

Diary in the present case was called for which has since been received.

Learned counsel appearing on behalf of the State submits that though the petitioner is alleged to have been in possession of several ATM cards of State Bank of India, Canara Bank, Bandhan Bank and Punjab National Bank, there is no material in the case diary and the entire investigation conducted with regard to the present case, nothing has come on record to show that the petitioner has been using such ATM cards in the past. However, he submits that since the petitioner was in possession of several ATM cards which were not running in his name and for which he has no plausible explanation, the



petitioner cannot be granted the privilege of bail.

Having heard learned counsel for the petitioner and learned counsel appearing on behalf of the State and in view of the fact that the petitioner has no criminal antecedent, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VI, East Champaran at Motihari in connection with Mehsi P.S. Case No. 111/2018, subject to the following conditions:-

- (1) One of the bailors will be his father.
- (2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.
- (3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.
- (4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State



shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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