

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14055 of 2019**

Arising Out of PS. Case No.-813 Year-2018 Thana- NAWADA District- Nawada

Gopal Kumar (Sex-Male, Aged about 19 years), Son of Arbind Singh @
Arvind Singh, Resident of Village- Narhat, P.S.- Narhat, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar

For the Opposite Party/s : Mr.Ajay Kumar Jha

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 07-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 04.11.2018 in a case registered for the offences punishable under Sections 420, 379, 467, 468, 471/34 of the Indian Penal Code and Section 66 of Information Technology Act.

The prosecution case as per the fardbeyan of Kamlesh Kumar recorded by S.I. RanjanKumar of Nawada Town P.S. on 03.11.2018 is to the effect that the informant was deputed as Guard at ATM situated at Police line Nawada and on the same day at 11.25 .M. two persons came on Scorpio and entered into the cabin of the ATM. It is alleged that one person used red card in ATM and got two mini statements and when on suspicion the informant asked them to show card, they evaded to show the



card. In the meantime, A.S.I., Pramod Kumar reached there and caught one person, who disclosed his name as Gopal Kumar, the petitioner and he also disclosed the name of other persons and from his possession one ATM card, one mobile phone and ATM statement were recovered, who also disclosed that he used to withdraw the money after scanning the ATM by cleaning the machine.

It is submitted by learned counsel for the petitioner that on the basis of mere suspicion the petitioner has been roped in the present case and the investigation has already been concluded. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner was apprehended on the spot.

Considering the fact that the accusation is not of withdrawing the money through ATM card of different persons and the investigation has already been concluded, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner 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 learned Chief Judicial Magistrate,



Nawada in connection with Nawada Town P.S. Case No. 813 of
2018.

(Dinesh Kumar Singh, J)

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