

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23990 of 2019

Arising Out of PS. Case No.-200 Year-2018 Thana- NAUGACHIA District- Bhagalpur

PRASHANT SINGH @ MAMU @ DIWANA, aged about 25 years, Male,
Son of Raman Kumar Resident of Village - Kasambra, P.S.- Dhamdaha,
Distt.- Purnea ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Rajesh Kumar, Adv.
For the Opposite Party : Mr. Pancha Nand Pandit, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 16-04-2019 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor appearing for the State.

The petitioner is languishing in judicial custody since
05.07.2018 in connection with Naugachia P.S. Case No. 200 of
2018 for the offence alleged under Section 414 of the Indian
Penal Code.

The prosecution case, as lodged by the police
personnel, is that during patrolling duty they found two persons
in a suspicious condition. On seeing the police they tried to flee
away, while one fled away, the petitioner was apprehended, who
disclosed the name of his associate as Saurav Kumar Singh. On
search, from the possession of the petitioner Rs.8,500/- of five
hundred denomination was recovered along with five
Automated Teller Machine (ATM) Cards, who revealed that he
takes out money of the innocent people from the ATM's by
obtaining their pass word. Accordingly, a seizure list was



prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated due to high handedness of police. He submits that nothing has been recovered from his conscious possession, but, he has been made accused and is languishing in judicial custody since more than nine months. Charge sheet having been submitted, there being no allegation of tampering with the prosecution witnesses/evidence.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the nature of allegations, the period of custody and that the petitioner does not bear a criminal antecedent, as stated in paragraph 3 of the present application, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Naugachia P.S. Case No. 200 of 2018 to the satisfaction of the learned Additional Chief Judicial Magistrate, I, Naugachia, Bhagalpur, or the successor Court subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file



an affidavit stating his relationship with the petitioner.

(ii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Shamshad/-

U		T	
---	--	---	--

