

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20020 of 2019**

Arising Out of PS. Case No.-112 Year-2018 Thana- AMBA District- Aurangabad

Ritesh Kumar @ Venkatesh Kumar, Male, age-24 years, Son of Sri Dinesh Singh @ Dinesh Kumar, Resident of Village-Maksudpur, P.S-Khizersarai, District-Gaya (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rohit Mishra, Adv.

For the Opposite Party/s : Mr.Umanath Mishra, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 25-06-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in a case registered for the offence punishable under Sections 406 and 420 of the Indian Penal Code.

Learned counsel for the petitioner submits that it is purely on suspicion that the petitioner has been taken into custody and on the basis of the statement made by some spy. It is submitted that on such suspicion, the S.I. Nishant Kumar, S.H.O., Khizersarai, District-Gaya, was tipped off who arrested a few persons who were allegedly engaged in enjoying a party and planning to defraud others by using 4-5 ATM cards. It is further submitted that the informant Shambhu Kumar had



deposited rupees one lakh five thousand in Punjab National Bank in his account 098200100805447, but the aforesaid amount was withdrawn from his account without any information to him. It is on such grounds that it is expected that the petitioner was also involved in using ATM cards to withdraw money from bank account.

Having heard learned counsel for the petitioner and learned counsel appearing on behalf of the State, it appears that the police had raided and identified place where some persons were found to be involved in making some sort of a plan for committing some sort of a crime. On their arrest, two of the persons who were forming part of the group were identified as Ritesh Kumar alias Venkatesh Kumar the present petitioner and one Pankaj Malakar. It is thus submitted that the entire prosecution against the petitioner is based on mere suspicion and there is no cogent material to implicate him in connection with the fraud as alleged in the bank account of the said informant.

In the facts and circumstances of the case, 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 to the satisfaction of the learned Chief



Judicial Magistrate, Aurangabad in connection with Amba P.S.
Case No. 112 of 2018, subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother brother, sister and/or his wife.

(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.

(Anjani Kumar Sharan, J)

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