

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24864 of 2019

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

PANKAJ MALAKAR Son of Sri Satendra malakar Resident of Village -
Maksudpur, P.s.- Khizersarai, Distt.- Gaya. (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rohit Mishra

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 17-04-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner has been in custody since 06.02.2019 on his remand in connection with Amba P.S. Case No. 112/2018 registered for the offense punishable under Sections 406/420 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., Khizarsarai, 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Bank in his account 098200100805447, but the aforesaid amount was withdrawn from his account without any information to him.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 and one Pankaj Malakar, the present petitioner. 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 view of the aforementioned facts and circumstances and there being only one other case against the petitioner, 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 learned



Chief Judicial Magistrate, Aurangabad, in connection with
Amba P.S. Case No. 112/2018, 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.

(Anjana Mishra, J)

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