

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36537 of 2019

Arising Out of PS. Case No.-67 Year-2019 Thana- PAKARIBARAW District- Nawada

1. Subhash Kumar, Son of Ramchandra Saw, Resident of Village - Pali, Main Road, P.S.- Kauakol, Dist.- Nawada
2. Sonu Saw, Son of Tulsi Sao @ Baleshwar Saw, Resident of Village - Mafi Gali, Warisaliganj, P.S.- Warisaliganj, District - Nawada.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Rajeev Nayan, Advocate
For the State : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

6 16-11-2019 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners seek pre-arrest bail in connection with Pakaribarawan P.S. Case No.67 of 2019 registered for the offences punishable under Sections 419, 420, 471, 472, 120B of the Indian Penal Code and Section 66-D of the Information and Technology Act.

It is contended by the learned counsel for the petitioners that save and except the confessional statement of the co-accused Pradeep Saw @ Sandeep Saw, there is no other material to connect the petitioners with the alleged offence. He contended that there is no allegation in the FIR that any ATM card recovered from the co-accused Pradeep Saw was ever used for withdrawing any amount from the ATM vending machine. It



is also not alleged that the petitioners ever cheated any person by using any ATM card of another person. Mere possession of some duplicate ATM cards from the co-accused would in no way incriminate the petitioners with any cognizable offence. Lastly, it is contended that the petitioners have got no criminal antecedent. They have got roots in the society and are not likely to abscond or tamper with the evidence, if they are granted pre-arrest bail.

Learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioners.

Considering the nature of allegation and the submissions made above, in the event of arrest or surrender in the court below within a period of six weeks, the petitioners are directed to 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, Nawada in connection with Pakaribarawan P.S. Case No.67 of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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