

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42936 of 2019

Arising Out of PS. Case No.-76 Year-2019 Thana- WAJIRGANJ District- Gaya

MAKSUD ALAM, aged about 22 years, Male, Son of Mansur Mian, Resident of Wazirganj (Kunjar Toli), P.S.- Wazirganj, Distt- Gaya

... Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr. Sunil Kumar, Adv.

For the Opposite Party : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 30-09-2019 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with Wazirganj P.S. Case No. 76 of 2019 for the offences alleged under Sections 467, 468, 471, 420, 414 and 120B of the Indian Penal Code.

The accusation is that on receiving secret information about cloning of ATM Card (Automated Teller Machine) by Mukesh Paswan and Uttam Paswan, both residents of Jamuawa, district Gaya, the informant, along with other police officials made raid at their house. In that course one person was found on the ground floor, but, on seeing the police party got ferocious. On search of house, lap top, charger, two android mobiles, one of Vivo Company and the other of Samsung Company, 605 currency notes, each of Rs.500/- denomination, 5



currency notes, each of Rs.2,000/- denomination recovered from the first floor. The caught hold person disclosed his name as Mukesh Paswan. On search of first floor, one person was also found with several mobiles and lap tops, who disclosed his name as Uttam Paswan, who, further, disclosed that with the help of his associates Sagar Kumar, resident of Gram Mirganj, P.S. Wazirganj, Gaya, Manish Kumar, resident of Gram Latawar, Hisua, Nawadah, Vikash Kumar, son of Ram Avtar Rajbanshi, resident of Laxmi Asthan, Jamuawa, Vikash Kumar, son of Munna Singh, resident of Gram Jamuawa, P.S. Wazirganj, Gaya, and Maksud Alam (petitioner) use to do the work of cloning of ATM Card for withdrawing the cash, thereafter, informant, along with Mukesh Paswan and Uttam Paswan, searched the house of Sagar Kumar and he was apprehended. From the house of Sagar Kumar, several mobile phones and three ATM Cards of SBI and UBI recovered, but, they did not give any reply about keeping the said materials, thereafter, informant and other police officials proceeded for Police Station.

The submission of the learned counsel for the petitioner is that petitioner was not apprehended at the time of raid of the informant and other police personnel. The name of



the petitioner has only been disclosed by co-accused, Mukesh Paswan and Uttam Paswan saying that this petitioner was also involved in their gang to clone the ATM Cards from different ATM machines to withdraw the money using the cloned ATM Cards. Petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Wazirganj P.S. Case No. 76 of 2019 shall 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 Additional Chief Judicial Magistrate, I, Gaya, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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