

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 49008 of 2019

Arising Out of PS. Case No.-52 Year-2019 Thana- TEKARI District- Gaya

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1. PRINCE KUMAR Son of Sideshwar Singh Resident of Village - Rewai, P.S.- Tekari, Distt - Gaya.
 2. Rohit Kumar Son of Manoj Singh Resident of Village - Rewai, P.S.- Tekari, Distt - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivendra Prasad

For the Opposite Party/s : Mr.Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 06-08-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Tekari P.S. Case No. 52 of 2019, disclosing the offence under Section 420 of the Indian Penal Code and Section 66(B) of the Information Technology Act.

Petitioner no. 2 is apparently a minor. Since a minor cannot have any apprehension of arrest, an application for grant of anticipatory bail on behalf of a minor cannot be maintained. This application to the extent it relates to petitioner no. 2 stands dismissed as not maintainable.

Petitioner no. 1 is nephew of the informant. There is allegation against petitioner no. 2 of having withdrawn money



from the informant's account using his ATM card, surreptitiously on several occasions. The only allegation against petitioner no. 1 is that he had received certain consignments which petitioner no. 2 had purchased online using the informant's ATM card.

Considering the nature of allegation against petitioner no. 1, this application is allowed to the extent it relates to petitioner no. 1. Let petitioner no. 1, above-named, in the event of his arrest/surrender within six weeks from today in the court below, 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 ACJM, Gaya in Tekari P.S. Case No. 52 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that petitioner no. 1 shall present himself before the Police/ Court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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