

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 56005 of 2019

Arising Out of PS Case No.-408 Year-2018 Thana- GAYA RAIL P.S. District- Gaya

Ravi Malakar @ Ravi Kumar Malakar (Male), aged about 26 years, Son of Upendra Malakar, Resident of Village - Maksudpur, P.S.- Khizersarai, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No.2
For the State	:	Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 18-12-2019

Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in Gaya Railway PS Case No. 408 of 2018 dated 25.12.2018 instituted under Sections 420, 467, 468, 471, 741, 379 and 411/34 of the Indian Penal Code and 66 (A) of The Information Technology Act, 2000.

3. The petitioner, along with six others, is accused of preparing duplicate ATM cards of other persons and drawing money with the help of those duplicate cards.

4. Learned counsel for the petitioner submitted that two persons had come to the ATM and one person has gone inside and when he came out the police was there and the person who has



come out by the ATM was caught while the other fled away by the motorcycle. It was submitted that the person caught has taken the name of the petitioner also, as one of the persons who was in the business of preparing duplicate/fraud ATM card of others and drawing money from the same. Learned counsel submitted that the petitioner was caught from his house on 20.04.2019, but nothing incriminating has been recovered either from his conscious possession or from his house. It was submitted that the petitioner is not even the person who was driving the motorcycle. Learned counsel further submitted that only because of such statement made by co-accused who was caught by the police, the petitioner has also been made accused in the present case and after that he has been remanded in similar cases for no valid reason.

5. Learned APP, from the case diary, submitted that the persons caught at the spot had taken the name of the petitioner. However, on a query of the Court as to whether any incriminating material has been recovered from him, when he caught from the house, learned counsel fairly submitted that there is no recovery from him.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail on furnishing bail bonds of Rs.



25,000/- (Twenty Five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Railway Gaya in Gaya Railway PS Case No. 408 of 2018.

7. One of the bailors shall be a close relative of the petitioner. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off.

(Ahsanuddin Amanullah, J.)

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