

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74034 of 2019

Arising Out of PS. Case No.-380 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, Police Station - Khizersarai, District - Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2, Adv.

For the Opposite Party/s : Mr.Ashok Kumar Singh (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 11-12-2019 Heard learned counsel for petitioner and learned counsel for the State.

Petitioner, who is in custody, seeks bail registered for the offences punishable under Sections 379 and 420 of the Indian Penal Code.

Informant in his written complaint has alleged that on 20.11.2018 he had withdrew Rs. 15,000/- but subsequently on 26.11.2018 he wanted to withdrew money from ATM but same could not be withdrawn showing low balance and from Bank Manager he came to know that on 25.11.2018 Rs. 32,500/- has been transferred into the account of Ashutosh Kumar Ojha and remaining amount was withdrawn in cash however, he did



not receive any SMS in his mobile with respect to above transaction.

It has been submitted on behalf of the petitioner that he is innocent and has committed no offence. He has been falsely implicated in this case on the basis of confession made by co-accused Banti Kumar @ Chakarpani and except said confession there is no any other incriminating material against him. Similarly placed co-accused has been granted bail by co-ordinate Bench of this court as contained in Annexure-2. Petitioner is not named in the FIR and is in custody since 09.07.2019.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Railway, Gaya, in connection with Gaya Rail P.S. Case No. 380 of 2018, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be



represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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