

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8564 of 2020

Arising Out of PS. Case No.-228 Year-2019 Thana- MAJHAULIA District- West Champaran

RAJA KUMAR Son of Poshan Sahni Resident of Village-Bara Malahi,
Jaukatiya, P.S.-Majhauria, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar No.1

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 24-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Sri Ram Sevak Choudhary, the learned APP appearing for the State.

This is an application for grant of anticipatory bail in connection with Majhauria P.S. Case No. 228 of 2019 (G.R.No. 1978 of 2019) registered for the offence punishable under Sections 413, 414, 419, 420, 467, 468, 471, 472, 379, 120(B) of the Indian Penal Code and Section 66 of the I.T. Act.

The accusation is that during the course of patrolling, the informant along with other police personnel had reached near SBI Manjhauli Branch where they saw 10-12 persons standing



near the SBI ATM. On seeing the police, the said miscreants started fleeing away, however, five persons were apprehended and upon interrogation, they had disclosed the name of 10 of their associates including the petitioner herein, who are stated to have fled away. It is alleged that the said miscreants were indulging in illegal withdrawal of money from the ATM machine by using various ATM cards from account of various account-holders.

The learned counsel for petitioner has submitted that the petitioner was not apprehended at the spot and there is no specific accusation of the petitioner having withdrawn any cash amount illegally from the ATM. It is further submitted that the petitioner is having a fair antecedent inasmuch as he is an accused only in one other case, but he is on bail. Lastly, it is submitted that similarly situated co-accused persons have already been granted the privilege of anticipatory bail by coordinate Benches of this Court vide orders dated 16.11.2019 and 26.11.2019 passed in Criminal Miscellaneous No. 54407 of 2019 and Criminal Miscellaneous No. 69393 of 2019.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having considered the facts and circumstances of the



case, considering the submissions made by the learned counsel for the petitioner as also taking into consideration the parity of the case of the petitioner with that of the co-accused persons, who have already been granted the privilege of anticipatory bail, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran at Bettiah in connection with Majhauria P.S Case No. 228 of 2019 (G.R.No. 1978 of 2019), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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