

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 8383 of 2020**

Arising Out of PS Case No.-822 Year-2019 Thana- KANTI THARMAL POWER District-
Muzaffarpur

=====

Komal Kumar aged about 21 Years, (Male) Son of Daroga Rai Resident of
Village-Repura P.S.-Minapur (O.P. Panapur), District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pradeep Kumar Sinha, Advocate
For the State	:	Mr. Pranav Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 09-06-2020

The matter has been heard *via* video conferencing due
to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Pradeep Kumar Sinha, learned counsel for
the petitioner and Mr. Pranav Kumar, learned Additional Public
Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Kanti
(Muzaffarpur) PS Case No. 822 of 2019 dated 05.11.2019
instituted under Sections 406, 420, 467, 468, 471, 411, 413,
414/34 of the Indian Penal Code.

4. The allegation against the petitioner and three others
is that from the car from which they were caught, various



incriminating articles relating to fraud of credit cards and ATMs was recovered.

5. Learned counsel for the petitioner submitted that he was only standing near the vehicle and has been falsely implicated and from his possession nothing has been recovered. It was submitted that there is no criminal antecedent against the petitioner and he is in custody since 07.11.2019. Learned counsel submitted that all the other three co-accused have been granted bail in Cr. Misc. No. 2635 of 2020 on 29.01.2020 and Cr. Misc. No. 7948 of 2020 on 05.02.2020.

6. Learned APP, from the case diary, submitted that witnesses have supported the prosecution story and from the car from which the petitioner and others were caught, incriminating material, including gadget for cloning ATM cards etc. has been recovered. It was submitted that the petitioner is an active participant in committing such fraud.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM (West), Muzaffarpur in Kanti (Muzaffarpur) PS Case No. 822 of 2019



subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that 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 being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P.Kumar/Anand Kr.

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