

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8454 of 2020

Arising Out of PS. Case No.-380 Year-2018 Thana- GAYA RAIL P.S. District- Gaya

Sonu Malakar, aged about 26 years, Son of Krishna Malakar @ Krishna Kumar Malakar Permanent resident of Village and Post - Maksudpur, Utrawan, P.S.- Buniyad Ganj, District- Gaya, at present resident of Village- Maharaj Bigha, P.S.- Khijarsarai, District- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kunwar Narayan Jamuar, Advocate

For the Opposite Party/s : Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 11-06-2020

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

2. Heard Mr. Kunwar Narayan Jamuar, learned counsel for the petitioner and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Gaya Rail PS Case No. 380 of 2018 dated 28.11.2018 instituted under Sections 379/420 of the Indian Penal Code.

4. The allegation against the petitioner is that he was part of the gang involved in fraudulently withdrawing money from bank accounts and ATMs.



5. Learned counsel for the petitioner submitted that he is innocent and has not been caught with any incriminating material as there has been no recovery from him. It was submitted that co-accused Banti Kumar @ Chakarpani, who was caught by the police from an ATM with money, has stated that the petitioner was involved in such activity due to which he has been implicated in the other case and the present case also. It was submitted that besides the said two cases there is no other criminal antecedent of the petitioner. Learned counsel further submitted that co-accused Banti Kumar @ Chakarpani, who was arrested with the money, has been granted bail in Cr. Misc. No. 36676 of 2019 on 25.09.2019 and Ravi Malakar @ Ravi Kumar Malakar has also been granted bail in Cr. Misc. No. 74034 of 2019 by order dated 11.12.2019. Learned counsel submitted that the petitioner is in custody since 27.11.2019.

6. Learned APP, from the case diary, submitted that the co-accused who was caught with the money has stated that the petitioner was also part of his gang. However, he did not controvert the fact that no recovery has been made from the petitioner.

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 Additional Chief Judicial Magistrate, Railway, Gaya in Gaya Rail PS Case No. 380 of 2018, 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)

Anjani/-

AFR/NAFR	
U	
T	

