

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21224 of 2020

Arising Out of PS. Case No.-33 Year-2020 Thana- SIWAN CITY District- Siwan

1. NIRAJ KUMAR Son of Bacha Manjhi R/o Village- Parwa, P.S.- Barharia, District- Siwan.
2. Deepak Kumar Son of Birendra Kumar R/o at Qtr. No. 34, Bhagat Inclave, Uttam Nagar, P.S.- Bindapur, District- West Delhi

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 02-09-2020 As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioners and the learned Counsel for the State.

Petitioners seek bail in Siwan Town PS Case No. 33 of 2020 registered under Sections 379, 419, 420 of the IPC and Section 66(D) of I.T.Act.

The petitioners have been apprehended from a hotel room. Recovery of a number of ATM cards and SIM cards is alleged. The FIR alleges that using these cards they have been alluring customers in the game of lottery and after such allurement fraudulently withdrawing money from their accounts.

Mr. Krishna Kant Singh, learned Counsel for the petitioners submits that the petitioners have no criminal antecedent.



They are now in custody since 22.1.2020. Charge-sheet has been submitted. There is no chance of tampering with the evidence. The case diary does not reveal that these ATM cards or SIM cards have actually been used for any fraudulent withdrawal or for any illegal purpose. Therefore beyond suspicion there is nothing against the petitioners.

Learned APP has appeared opposed the prayer for bail.

Considering the rival submissions the prayer for bail of the petitioners is allowed.

Let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Siwan in Siwan Town PS Case No. 33 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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