

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23594 of 2020

Arising Out of PS. Case No.-268 Year-2019 Thana- MASHRAK District- Saran

Nikash Kumar Singh S/O Anil Singh Resident of Village - Amnour Agawan
Purwari Pati, P.S. Amnour, District Chapra (Saran).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Kumar Singh
For the Opposite Party/s : Mr.A.P.P..

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 21-09-2020 Heard learned counsel for the petitioner as well as
learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in Mashrak P.S. Case No. 268 of 2019/Trial No. 2399 of 2020, registered for the offence under Sections 379, 406, 420, 467, 468, 471 of the Indian Penal Code. It appears that earlier also, bail application was filed on behalf of petitioner, which was rejected as not pressed with liberty to file a fresh bail petition after a period of six months.

The prosecution case, in sum & substance, is that this petitioner on 02-07-2019 at about 1:00 PM tried to change the ATM Card of informant. It is further alleged that petitioner was caught red-handed while he was trying to dial pin number of ATM card and he was handed over to police.

It is submitted on behalf of petitioner that petitioner is



innocent and has committed no offence and has falsely been implicated in this case due to suspicion. In fact, the petitioner was also in queue for withdrawing money with his ATM Card behind the informant. The petitioner also tried to help the informant in ATM, but since some altercation took place between them, a false story was developed against petitioner and petitioner was made accused. The petitioner is in custody since 03-07-2020.

Learned A.P.P. has vehemently opposed the bail application and submitted that from the seizure list, it appears that ATM Card of sister of informant has been recovered from possession of petitioner and as such, petitioner may not be granted bail.

However, considering the aforesaid facts and circumstances as well as nature of allegation, the bail application is allowed.

Let the above-named petitioner 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 learned ACJM – VI, Saran at Chapra in connection with Mashrak P.S. Case No. 268 of 2019/Tr. No. 2399/20 on the following conditions:



“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

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

(Prabhat Kumar Singh, J.)

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