

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27399 of 2020**

Arising Out of PS. Case No.-1116 Year-2019 Thana- PATRAKARNAGAR District- Patna

NISHANT KUMAR Son of Santosh Kumar Resident of Village - Pachadha,  
Police Station - Nardiganj in the district of Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Sunil Kumar, Advocate  
For the Opposite Party/s : Mr. Bharat Lal, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      27-11-2020

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.

Mr. Bharat Lal, APP is appearing for the State as it is submitted that the brief has been allotted to him by the office of Advocate General.

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

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner apprehends arrest in Patrakar Nagar PS Case No. 1116 of 2019 registered under Sections 420, 467, 468 and 471/34 of the IPC.

Four persons have been apprehended along with cash and ATM cards in front of ATM. Petitioner's name has been taken by Santosh Kumar as being the person who has given ATM cards for its



abuse by withdrawing money from the ATM.

Learned Counsel for the petitioner submits that his implication is by Santosh Kumar as Santosh owed some money to the petitioner. Petitioner's implication on confessional statement of co-accused has no evidentiary value. He claims to bear a clean past and against the four other apprehended persons charge-sheet has been submitted. The petitioner has not been found to be possessing any ATM card or money whatsoever even as per allegations in the FIR.

Learned APP for the State has opposed the prayer for anticipatory bail.

Having considered the rival submissions this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

Accordingly, let the petitioner above named, in the event of arrest or surrender before the court below within four weeks from today, 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 ACJM VIII Patna in Patrakar Nagar PS Case No. 1116 of 2019 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also 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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