

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27670 of 2020

Arising Out of PS. Case No.-413 Year-2019 Thana- BARAUNI District- Begusarai

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Kundan Kumar, S/O Sri Bipin Kumar @ Bipin Singh, Residence of Village -
Gokhula, P.S. - Sikandra, Distt. - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 08-12-2020 Heard learned counsel for the parties through video conferencing.

Petitioner seeks bail in a case registered for the offence punishable under Sections 420, 467, 468, 469 and 471 of Indian Penal Code.

As per the prosecution case, on 09.09.2019 Rs.40,000/- is credited in the account of informant, Md. Monazir, which was fraudulently withdrawn from ATM of Samarat Hotel and again on 10.09.2018, Rs.40,000/- is credited in the account of the informant from one Ajay Kumar, which was also withdrawn, fraudulently, through the same ATM. The F.I.R. was lodged against unknown.

It is submitted on behalf of the petitioner that name of the petitioner has come on the basis of the confessional statement of co-accused, Dilkhush Kumar in Teghara Police



Station Case No. 359 of 2019 in which there is no reference about the occurrence dated 09.09.2019 and 10.09.2019. It is further submitted that though the name of the petitioner is come on the confessional statement of three different co-accused persons but none of them had given any reference about the alleged date of occurrence. It is further submitted that thereafter, petitioner has been remanded in altogether 19 cases. Petitioner is in custody since 15.11.2019 and charge-sheet has already been submitted.

However, learned A.P.P. has vehemently opposed the prayer for bail and submits that petitioner used to withdraw money from ATM machine by inserting electronic device and used to change the ATM card paper and prepare clone of ATM card for withdrawing money.

Considering the aforesaid facts of the case and the materials which had come during the course of investigation, I am not inclined to grant regular bail to the petitioner.

Hence, the prayer for regular bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

Ankit/-

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