

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81891 of 2019

Arising Out of PS. Case No.-359 Year-2019 Thana- TEGHRHA District- Begusarai

Satish Kumar @ Satish Singh S/o Late Kamli Singh R/o village- Gokhula,
P.S.- Sikandra, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bikramdeo Singh, Advocate
		Mr. Vikram Jeet, Advocate
For the Opposite Party/s	:	Mr. J.N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 19-06-2020 The matter has been taken up through virtual Court proceeding.

Heard Mr. Bikramdeo Singh, learned counsel for the petitioner and Mr. J.N. Thakur, learned APP for the State.

The petitioner is languishing in custody since 15.10.2019 in a case registered for the offences punishable under Sections 414, 420, 467, 468, 471, 120B of the Indian Penal Code and Sections 66(B) and 66(C) of Information Technology Act, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the written report of S.I., Sumant Choudhary, Teghra Police Station submitted to the Station House Officer, Teghra Police Station, is to the effect that



a confidential information was received that a gang of ATM fraud are standing near an ATM and are planning to hack the ATM machine, consequently, a raid was laid and a Bolero vehicle was intercepted parked near the ATM, in which, five persons were found sitting and on seeing the police force, they started fleeing away but on chase, two persons were apprehended, who disclosed their name as Dilkhush Kumar and Kundan Kumar and from their possession, card reader device, wallet, Aadhar card, two ATM cards, mobile phones and other articles were recover and they further disclosed the name of other persons, who managed to escape from the scene as Satish Kumar, the petitioner and co-accused Vikash Kumar and Chandan Kumar. Thereafter, the petitioner was also apprehended while driving a Bolero vehicle and from the bag ATM swap card reader machine, two screw drivers and other articles were recovered. From the possession of the petitioner, cash of Rs. 17,000-, mobile phones, Aadhar card, ATM card, driving license and several ATM cards of different persons were recovered and from other two persons also similar recovery was made.

It is submitted by learned counsel for the petitioner that though the petitioner has confessed before the police but the



petitioner has not accepted his guilt nor the confession led to any recovery and petitioner is languishing in custody since 15.10.2019. The investigation has already been concluded and co-accused Dilkhush Kumar and Kundan Kumar, who were apprehended with different incriminating articles, have been granted bail by Co-ordinate benche of this Court vide Cr. Misc. Nos. 84536 of 2019 and 1893 of 2020. The petitioner is accused in 19 other cases but most of the cases have been lodged after arrest of the petitioner in the present case.

Learned APP for the State submits that the petitioner is named in the FIR and has serious criminal antecedent.

Considering the fact that the investigation has already been concluded and co-accused persons have been granted bail, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Teghra P.S. Case No. 359 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon furnishing an undertaking by the surety, on



photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Teghra P.S. Case No. 359 of 2019.

The learned Court below is at liberty to further extend the period of provisional bail if the court proceeding in physical mode will not resume in next three months.

Considering the serious criminal antecedent of the petitioner, the learned court below will be at liberty to cancel the bail bonds of the petitioner, if the petitioner gets substantially involved in some serious nature of offence or defaults for two consecutive occasions.

(Dinesh Kumar Singh, J)

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