

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86341 of 2019

Arising Out of PS. Case No.-408 Year-2018 Thana- GAYA RAIL P.S. District- Gaya

Chandan Kumar, Son of Gajendra Singh @ Gajendra Kumar, Resident of
Village - Maharaj Bigha, P.S.- Khizarsarai, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 02-03-2020 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Gaya Rail P.S. Case No.408 of 2018, registered for the offence
punishable under Sections 420, 467, 468, 471, 379, 411 and 34
of the Indian Penal Code and Section 66(A) of the Information
and Technology Act.

The allegation against the petitioner as per First
Information Report is that the police intercepted a motorcycle at
the Gaya Railway Station and found one person was sitting on
the vehicle and another person was sitting on the back seat of
the vehicle. It has further been alleged that the person, who
were sitting as pillion rider on the motorcycle went in ATM. On
suspicion, the police reached near that persons, then they started



to flee away, however, the police caught hold the person, namely, Banti Kumar @ Chakrapani. The other person who was riding on the motorcycle managed to escape along with vehicle. Upon being asked, the arrested accused persons disclosed that the person who was sitting on the motorcycle was one Sheo Shankar Singh and also disclosed the names of five persons, including the petitioner and stated that they are also involved in the fraud of ATM and the petitioner is one of them. The police recovered two ATMs card of Andhra bank and one Allahabad Bank and also seized a sum of Rs.40,000/- from the pocket of the arrested accused persons. The arrested accused person also stated that he along with his accomplice used to make fake ATM card by exchanging the ATM by new one and are indulged in withdrawal of money from the ATM machine.

Mr. Manish Kumar No.2, learned counsel appearing for the petitioner submits that petitioner has falsely been implicated in this case merely on the basis of confessional statement of arrested co-accused. Learned counsel further submits that petitioner has not committed any offence in the manner alleged inasmuch as he was not seen at the place of occurrence by the police. Learned counsel referring to Annexure-2 to this application submits that the person who fled



away from the place of occurrence has disclosed his name as Shiv Shankar Singh, who has been granted bail by this Court in Cr. Misc. No.39675 of 2019.

Having heard learned counsel for the parties and taking into consideration the fact that petitioner has got criminal antecedent and five cases of theft and other offences have been lodged against him and in his confessional statement, arrested co-accused person disclosed the name of the petitioner as one of his accomplices who is indulged in the fraudulent withdrawal of money from the ATMs by making fake ATM cards and also by cloning it, I am not inclined to grant anticipatory bail to the petitioner and prayer for the same is hereby rejected.

(Anil Kumar Sinha, J)

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