

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23223 of 2021**

Arising Out of PS. Case No.-93 Year-2020 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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PAPPU KUMAR @ PAPPU SAHNI, Son of Uma Shankar Sahni, Resident of
Village - Madhuban Kanti, P.S. - Minapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nachiketa Jha, Adv.

For the Opposite Party/s : Mr.Dilip Kumar No.1, APP

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 09-07-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to
remove the defects as pointed out by the office within four
weeks of normal functioning of the court, failing which the
office is directed to place the matter before the Bench.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 420/379 of the Indian Penal
Code.

Prosecution case in brief, is that one Anand Kumar,
alleging precisely therein inter alia that on 05.03.2020 at 8.27
A.M. he withdrew Rs.2500/- from the ATM of Bank of India
situated beside the Thakur Nursing Home, three boys were



standing behind him who told him to re-inter his ATM card and mobile no. took mini statement then they would be able to withdraw their money from the said ATM, then he did according to their advice and went to Darbhanga for his work, at noon at 1.52 to 1.58 P.M. Rs.76,500/- were withdrawn from his Account in eight times near the ATM of Aam Gola, which was informed by Bank to him, thereafter he saw his mobile message and confirmed, went to Police Station and gave his application.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is neither named in the FIR and nor apprehended on the spot, he has been implicated in this case by the police after arrest in Brahampura P.S. Case No.143/2020, on his confession, he was made accused in the present case. There is no incriminating articles has been recovered from the possession of the petitioner and there is no T.I. Parade till date. The petitioner is languishing in judicial custody since 11.09.2020. The petitioner has got one criminal antecedent which is mentioned in para 3 of the bail application. In the impugned order, learned Additional Sessions Judge-IXth, Muzaffarpur has given liberty to the petitioner to renew his prayer after six months. From the date of order i.e. 27.11.2020,



it appears that the petitioner has remained in custody for more than eight months.

Learned APP for the State opposes the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Kaji Mohammadpur P.S. Case No. 93/2020 to the satisfaction of learned Court below where the case is pending; subject to the following conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will be given an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(3) that the petitioner will be well represented on



each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bond will be liable to be cancelled.

(4) that the petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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