

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24058 of 2021**

Arising Out of PS. Case No.-360 Year-2020 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

SUNNY KUMAR @ RISHU S/o Krishna Kumar Thakur R/o village- Basua,
P.S.- Aurai, District- Muzaffarpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 24-11-2021 Heard Sri Sunil Kumar Pathak, learned counsel
appearing on behalf of petitioner and Sri Ajit Kumar, learned
A.P.P. for the State.

The petitioner, who is in custody since 06.10.2020,
prays for regular bail in connection with Town (Muzaffarpur)
P.S. Case No. 360 of 2020, registered under Sections 420, 379,
467, 468 and 471/34 of the Indian Penal Code read with
Section 25(1-b)a, 36/35 of the Arms Act.

It is the case of the prosecution that Pankaj Sahni
and Pappu Sahni are engaged in fraudulently withdrawing
money from the A.T.M. and have smashed several properties.
The informant, who is a Police officer along with a team
searched the house of said Pappu Sahni and on whose
disclosure search was made in presence of two independent



witnesses, namely, Sartaj Ansari and Balindra Singh from where several articles along with with cash of Rs. 33,46,200/- as well as fire arm was recovered. Thereafter, seizure-list was prepared in front of Pappu Sahni and a copy of which was given to him on which he put his signature. It is specifically mentioned in the F.I.R. that this petitioner, who has been arrested in connection with Sadar P.S. Case No. 325 of 2020, dated 17.06.2020 for the offence punishable under Sections 25(1-b)a,26(ii),35 of the Arms Act. It has also been informed that on the disclosure made by the petitioner, the house of said Pappu Sahni was searched.

Learned counsel appearing on behalf of petitioner submits that nothing has been recovered from the possession of the petitioner, so far as the present case is concerned, the petitioner was remanded in this case merely on suspicion. He further submits that petitioner has no concerned with the co-accused in above stated P.S. case from whose possession huge amount of money and incriminating articles along with arms has been recovered and also considering the period of custody in jail, he may be released on bail.

Learned A.P.P. for the State submits that petitioner is also member of the said gang, who has fraudulently



withdrawn money from the A.T.M. in an organized manner by committing fraud and cheating people as such he is not liable to be released on bail.

Having considered the above mentioned facts and the circumstances, nothing has been recovered, so far as present petitioner is concerned in the present case, prima facie the petitioner does not appear to be involved in the present case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/-(Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in connection with Town (Muzaffarpur) P.S. Case No. 360 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature



of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

manish/-

U		T	
---	--	---	--

