

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25377 of 2021**

Arising Out of PS. Case No.-985 Year-2020 Thana- KANKARBAG District- Patna

Suman Kumar aged about 19 years, Son of Arun Singh Resident of Village -
Barat, P.S.- Sitamarhi, O.P., Distt.- Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Hans Roy, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

3 07-12-2021 The applicant/accused in Crime No. 985 of 2020 registered with Kankarbagh police Station for the offence punishable under sections 420, 406, 379, 467 and 468 of the Indian Penal Code as well as Section 66 (C) (D) of the I.T. Act, by this application seeking his release on bail during pendency of the trial.

It is reported that the applicant is behind the Bars from 17.12.2020.

Heard the learned counsel for the applicant. He submits that co-accused with similar allegations is already released on bail vide order dated 24.7.2021 passed by the coordinate bench of this Court in Cr. Misc. No. 21615 of 2021. Apart from this, it is argued that the applicant was arrested



merely on the basis of suspicion.

Learned Prosecutor opposed the applicant by contending that there is recovery from the applicant and the offence is economical in nature.

I have considered the submission so advanced. The applicant and co-accused Bigan Kumar @ Omkar Kumar came to be arrested upon finding them in the ATM room. Both of them were found to be in possession of the several ATM cards.

According to their confession before the police, they were using fake ATM cards for withdrawal of monies from the ATM machines.

Co-accused Bigan Kumar @ Omkar Kumar is already directed to be released on bail by the coordinate bench of this Court. The applicant and said co-accused are standing on same pedestal. Hence, on the principle of parity, bail cannot be refused to the applicant, therefore, the order.

The application is allowed.

The applicant/accused in Crime No. 985 of 2020 registered with Kankarbagh Police Station is directed to be released on bail on executing P.R. Bond of Rs. 10,000/- (Ten Thousand) on furnishing sureties of the like amount to the satisfaction of the trial court with the following conditions:-



(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should not repeat the trial in expeditious disposal of the trial against him.

(III) The applicant to remove all office objections forthwith and the Registry to issue bail-writ as per this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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