

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18210 of 2021

Arising Out of PS. Case No.-325 Year-2020 Thana- DIGHA District- Patna

Narayan Kumar @ Rocky Son of Late Vinay Singh Resident of Village -
Eknar, Police Station - Hisua and District - Nawada.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-03-2021 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Digha P.S. Case No. 325 of 2020 registered
for the offences under Sections 419, 420, 427, 467, 468, 471 and
34 of the Indian Penal Code.

As per prosecution story, one ATM Machine of the
SBI is installed at the house of Nagendra Prasad at Ramjichak,
Digha, Patna. On 22.06.2020 during the period 8:40 A.M. to
9:05 A.M. money has been withdrawn. When the cash came out
of the ATM Machine they put a scale like plate in between the



shutter and the cash got struck in the shutter and after sometime cash is taken out from the shutter. They money debited from the ATM card got credited after few minutes and the ATM Machine was damaged by the unknown persons.

Learned counsel for the petitioner submits that petitioner is not named in the First Information Report, his name has transpired in the confessional statement of co-accused. Learned counsel submits that there is one case on the head of this petitioner as stated in paragraph '3' of the present application in which he is on bail.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein this petitioner is not specifically named in the First Information Report, his name has transpired in the confessional statement of the co-accused and it is the submission of learned counsel for the petitioner that the learned Sessions Judge has noted two paragraphs of the case diary wherein the name of the petitioner has been mentioned on the basis of the statement said to have been made by Spy but no other incriminating material has been found from the possession of the petitioner, he has been taken on remand in the present



case from Gandhi Maidan P.S. Case No. 256/2020 in which the petitioner was arrested but he has been released on bail, the petitioner has otherwise no criminal antecedent prior to the said case and he has remained in custody in connection with the present case since 18.01.2021, investigation against him is complete and it is not the submission of learned counsel for the State that the release of the petitioner is in any way likely to interfere with the course of trial or result in tampering with the evidence, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Patna, in connection with Digha P.S. Case No. 325 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person



acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

