

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.2760 of 2021**

Arising Out of PS. Case No.-482 Year-2020 Thana- HISUWA District- Nawada

SHUSHIL SINGH @ TUTU SINGH S/O SARVESH SINGH R/o- Dhurihar,
P.S.- Hisua, Distt.- Nawada

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s	:	Mr.Deepak Kumar,Advocate
For the Respondent/s	:	Ms.Usha Kumari 1, Spl.P.P.
For the Informant	:	Mr.Shashi Bhushan Singh,Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 17-08-2021 Learned counsel for the appellant undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the appellant, learned counsel for the informant and Ms. Usha Kumari 1, learned Spl.P.P. for the State.

The appellant in the present case is seeking setting aside of the order dated 15.04.2021 passed by learned Special Judge (SC/ST) Act cum Additional District & Sessions Judge 1st Nawada in connection with B.P. No. 1089 of 2021 arising out of Hisua P.S. Case No. 482 of 2020 registered for the offences punishable under Sections 341, 323, 504, 419, 420, 406, 467, 468, 471, 120(B), 34 of the Indian Penal Code and Section 3(i) (r)(s), 3(ii)(va) of SC/ST Act whereby and whereunder the

prayer for bail of the appellant was rejected.

Learned counsel for the appellant submits that as per the prosecution story, this appellant along with one employee of the Axis Bank had got opened the bank account in the name of the informant and money transactions were being done through the said account illegally and without knowledge to the informant. It is alleged that the ATM card were issued in favour of the informant but the same was not delivered to him and the informants were told by the Branch Manager of the Axis Bank that transactions have taken place in their account and advised them to block the ATM card.

Learned counsel for the appellant submits that although this appellant is named in the First Information Report but in course of investigation no specific material has come against this appellant. The informant had signed the account opening forms etc. Nawlesh Kumar the co-accused has been granted bail by this Court in Cri. Appeal (SJ) No. 1290 of 2021.

Learned counsel for the informant as well as learned Spl.P.P for the State have opposed the prayer for bail of the appellant. It is pointed out that this appellant is said to be a co-villager of the informant and seems to have been instrumental in opening the bank account and then in the illegal transactions.

Since this Court has earlier granted bail to the co-

accused Nawlesh Kumar taking note of the submissions of learned counsel for the appellant in the said case that the thrust of the allegations are against this appellant, this Court wanted to know specifically from learned Spl.P.P. as to whether some independent materials have been collected against this appellant particularly in the form of CCTV footage showing the visit of this appellant in bank or ATM for withdrawal of money or the statement of the Branch Manager in the case diary, this Court has been informed that there is no other material specifically pointing out towards the appellant.

Considering the facts and circumstances of the case wherein this Court has noticed that the petitioner has remained in jail in connection with this case since 09.02.2021 and in the two cases stated in paragraph '3' he is said to be on bail, in the nature of the materials placed before this Court, this Court sets aside the impugned order and directs release of the appellant above named 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 Special Judge, (SC/ST) Act cum Additional District and Sessions Judge, 1st, Nawada in connection with Hisua P.S. Case No. 482 of 2020.

And further condition that the court below shall verify

the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. 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)

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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'.