

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33114 of 2020**

Arising Out of PS. Case No.-341 Year-2019 Thana- KHIJARSARAI District- Gaya

SURAJ MALAKAR @ SURAJ KUMAR (Male), aged about 23 years, Son of Upendra Malakar, Resident of Village- Maksudpur, P.S.- Khizersarai, District- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Gajendra Kumar Singh, Advocate.
For the Opposite Party : Mr.A.G.

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

2 23-02-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks.

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

The petitioner is apprehending his arrest in a case for the offence registered under Sections 379, 420, 467, 468, 472, 474, 120(B)/34 of the I.P.C., 66 (c) and 66(D) of the I.T. Act.

The prosecution story, in brief, is that Shubham Kumar, Awadh Bihari and Sadhu Kumar were arrested by travelling in their *Swift Dzire* vehicle and from their possession *A.T.M., Cloning Machine, plane A.T.M. Card* alongwith several *A.T.M. cards* were recovered. They confessed their involvement



in forgery and cheating by preparing duplicate *A.T.M. Card*. The petitioners were named by them as their associate in the crime.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case due to mistake of fact. There is no allegation of tampering with the witnesses alleged against the petitioner. The name of the petitioner has come in the present case on the basis of disclosure made by co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case. Nothing has been recovered from possession of the petitioner. Three persons were apprehended on the spot and from their possession, *A.T.M. Cloning Machine*, *Plane A.T.M. card* alongwith several *A.T.M. cards* were recovered. The petitioner is not among those persons.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the



learned A.C.J.M.-IVth, Gaya, in connection with Khizersarai
P.S. Case No. 341 of 2019, subject to the conditions as laid
down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

U.K./-

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

