

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1751 of 2021

Arising Out of PS. Case No.-225 Year-2020 Thana- SULTANGANJ District- Patna

NITISH KUMAR @ NITISH, son of Indradeo Prasad Resident of Village-
Maira, P.S.- Katrisarai, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudish Kumar

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 09-07-2021 Heard Mr. Sudhish Kumar, learned counsel for

the petitioner and Mr. Dashrath Mehta, learned APP for

the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Sultanganj P. S. Case No. 225
of 2020, dated 16.09.2020, instituted for the offences
under Sections 420, 406, 467, 468 and 34 of the Indian
Penal Code and Section 66 of the Information
Technology Act, 2000.

It appears from the F.I.R. that one Md.
Mahboob Alam was arrested while coming out of an ATM
Centre. From his possession, seven (7) ATM cards were



recovered. On deeper probe, aforesaid Mahboob Alam is said to have told the police party that he works for the petitioner and another. The petitioner and his associates used to obtain pin code of the ATM card of various customers of the Bank by beguiling them over telephone. Those pin codes were used for withdrawing money from various accounts. The arrested person, namely, Md. Mahboob Alam further disclosed that for this act, the petitioner and another used to pay him 20 % of the amount so withdrawn from the account.

The learned counsel for the petitioner has submitted that though he has been named in the F.I.R., but that is only on the confession of an arrested accused person who is his co-villager. He has further submitted that out of seven (7) ATM cards which have been recovered from aforesaid Md. Mahboob Alam, none belongs to the petitioner. It has, therefore, been submitted that the accusation against the petitioner and his prosecution is solely based on confession of an



arrested accused person.

The learned counsel for the State, however, has opposed the prayer for bail and has submitted that the petitioner has been using the services of Md. Mahboob Alam to withdraw money from the account of unsuspecting customers of the Bank.

No doubt, the prosecution of the petitioner is based on the confessional statement of aforesaid Md. Mahboob Alam who has been arrested but regard being had to the nature of accusation and the fact that the petitioner has earlier been made accused in three cases of similar nature, though all of them are based on confessional statement of arrested accused persons, I am not inclined to grant anticipatory bail to him.

The prayer for anticipatory bail is rejected.

However, if the petitioner surrenders before the court below and seeks bail, that shall be considered on its own merits, without being prejudiced by the fact that the present petition on his behalf has not been



entertained by this Court.

(Ashutosh Kumar, J)

skm/-

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

