

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.870 of 2021

Arising Out of PS. Case No.-402 Year-2020 Thana- BUXAR District- Buxar

Shubham Gond Son of Gorakhnath Gond Resident of Village - Barwa, Police Station - Gambhirpur, District - Aajamgardh (Uttar Pradesh).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parijat Saurav, Adv.
For the State : Mr.Nagendra Prasad APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 19-03-2021 Heard learned counsel for the petitioner and the learned APP for the State.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

The petitioner seeks bail in Buxar Town PS Case No 402/2020, instituted for the offence under Sections 406,420 and 120B of the Indian Penal Code.

There is some information regarding an altercation over ATM card swapping on basis of which the police have reached near the ATM in Nayi Bazaar. Co-accused Krishna Nand Singh and Raushan Bharti have been arrested and from their possession mobile phones have been recovered along with some ATM cards. The petitioner's implication is at the instance of these co-accused persons. It is submitted that from petitioner, phones and three ATM cards have allegedly been recovered which was in his *bona fide* possession. One of the ATM cards



was belonging to the petitioner, the other to his father and the possession of the third one is a false allegation. The other co-accused namely, Krishnanad Singh @ Krishna Nandan Singh @ Krishna Nand Singh and Sumant Yadav been allowed bail in Cr. Misc. Nos. 1518 of 2021 and 1818 of 2021 respectively. The petitioner has no criminal antecedents and even the vehicle in which he was travelling stands in the name of his mother, which was in his *bona fide* possession. He is in custody since 15.09.2020.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Buxar or successor Court, in connection with Buxar Town PS Case No 402/2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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