

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2713 of 2021

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

=====

ROSHAN BARTI S/O SHAMBHU NATH RESIDENT OF VILLAGE
BITHUA, P.S. GAMBHIRPUR, DISTRICT AZAMGARH, U.P.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ramanuj Tiwary, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 23-06-2021 Heard Mr. Ramanuj Tiwary, learned counsel for the

petitioner and Mr. Akshay Lal Pandit, learned Additional Public

Prosecutor appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with Buxar
Town P.S. Case No. 402 of 2020, registered for the offences
punishable under Sections 406, 420 and 120(B) of the Indian
Penal Code 1860.

The allegation as per the First Information Report is
that the Police received secret information that some dispute has
taken place near SBI ATM Kiosk, proceeded towards the SBI
ATM and apprehended two persons from there including the
petitioner. It has further been alleged that from possession of the
accused persons, Mobile phones and ATM Card have been
recovered and on disclosure of names, the other three co-



accused persons have been arrested and from their possession also ATM Cards and Mobile Phone have been recovered. It has further been alleged that all the accused persons were involved in fraudulent act of exchanging the ATM Card.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and there is no material to show that any amount has been withdrawn by the petitioner fraudulently using the ATM Card from any ATM Kiosk. Learned counsel next submits that altogether five persons were made accused in this case out of whom, four have been granted bail by different co-ordinate Benches of this Court in Cr. Misc. Nos. 1518 of 2021, 3469 of 2021, 870 of 2021 and 1818 of 2021 respectively. The petitioner is in custody since 15.9.2020 having no criminal antecedent.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that similarly situated co-accused persons have been granted bail by different co-ordinate Benches of this Court, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.25,000/-



(Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar, in connection with Buxar Town P.S. Case No. 402 of 2020 subject to the following condition:-

(i) That the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present, as directed by the court and on his absence on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(ii) That if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

S.Ali/-

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

