

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9695 of 2021

Arising Out of PS. Case No.-790 Year-2020 Thana- AHYAPUR District- Muzaffarpur

Manish Kumar Alias Manish Kumar Upadhyaya Alias Manish Kumar Upadhyay Jai Kishor Upadhyay Alias Jay Kishore Upadhyay Resident of Mohallah Mali Ghat, P.S. - Mithanpura, District - Muzaffarpur.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Amit Kr.Jha, Advocate
For the Opposite Party : Mr. GS Gupta, Addl Public Prosecutor
Mr. DN Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 06-07-2021 Heard learned counsel for the petitioner, the State and the informant.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under section 420 and other ancillary sections of the Indian Penal Code.

Petitioner happens to be an employee of CMS Company. Petitioner along with two others were authorized to refill cash in the ATM. It is alleged that the accused persons opened the vault of the ATM and took out cash of the ATM amounting to Rs.16,24,500/-.

Learned counsel for the petitioner submits that no incriminating material has been recovered from the conscious possession of the petitioner. He has not been seen in the CCTV



of the ATM in question. Petitioner was working on route no.1, whereas incident occurred on route no.10. Petitioner has claimed clean antecedent and he is in custody since 14.10.2020. Similarly situated co-accused has already been allowed bail by a co-ordinate bench of this Court vide order passed in Cr.Misc.No. 5636/2021.

learned counsel for the State and the informant oppose the prayer for bail.

Considering the facts and circumstances of the case and the fact that no incriminating material has been recovered from the conscious possession of the petitioner and similarly situated co-accused has already been allowed bail by a co-ordinate bench of this Court, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Muzaffarpur in Ahiyapur Police Station Case No. 790 of 2020 on the following conditions:-

(1) 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/her absence on two consecutive dates without



sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

(Prabhat Kumar Singh, J)

shashi/-

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

