

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11372 of 2021**

Arising Out of PS. Case No.-477 Year-2020 Thana- LAHERIMUHALLA District- Nalanda

Nitish Kumar Son of Uday Kumar, resident of village- Jota Tola, Bhattu Bigha, P.S.- Atri, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar, Advocate

For the Opposite Party/s : Mr. Anil Pd. Singh, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 08-07-2021 In view of sudden resurgence of COVID-19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned counsel for the petitioner and the learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Laheri P.S. Case No. 477 of 2020 registered for offence punishable under sections 420 & 406 of the Indian Penal Code.

The informant has alleged that he had gone to



withdraw money from ATM. At the said place the petitioner has tried to snatch his ATM card. There is an allegation that the petitioner is habitually indulging in scanning ATM card and withdrawing money. There is also allegation that Rs. 1100/- has been withdrawn from the informant's account.

Petitioner's counsel submits that there is inherent contradiction in the prosecution case as narrated by the informant. On the one hand he has stated that he along with the local people caught hold of the petitioner when he snatched his ATM card. On the other hand he submits that the petitioner had withdrawn Rs.1100/- from his account. The falsity of the allegation is evident from the contradictions. It is further submitted that having no antecedent the petitioner is in custody since 07.11.2020. The petitioner has, as per prosecution case, been handed over to the police by private persons and therefore, the prosecution case becomes more doubtful.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned



Additional Chief Judicial Magistrate-V, Biharsharif, Nalanda in
Laheri P.S. Case No. 477 of 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 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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