

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79572 of 2019**

Arising Out of PS. Case No.-408 Year-2018 Thana- GAYA RAIL P.S. District- Gaya

Ravi Ranjan Kumar (Male), aged about 26 years, Son of Bichun Singh,
Resident of Village Maharaj Bigha, P.S. Khizarsarai, District Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Sanjay Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

4 01-03-2021 Heard both sides.

The petitioner apprehends his arrest in Gaya Rail P.S.
Case No.408 of 2018, registered under Sections 420, 467, 468,
471, 379, 411 and 34 of the Indian Penal Code and under Section
66(A) of the Information and Technology Act.

The informant, a police official, got information and on
the basis of which raided Gaya Railway Station and recovered a
vehicle bearing Registration No.BR02-B-8632. One person was
sitting on the vehicle. Another person, who had come on the same
vehicle, went inside the ATM. The person who went inside the
ATM was apprehended who confessed that he was going to
withdraw money on the basis of cloned ATM. The apprehended
accused person disclosed his name as Banti Kumar @ Chakrapani.
He also disclosed the name of Shiv Shankar Singh who



accompanied him on the motorcycle. From possession of the apprehended accused, two ATM cards of Andhra Bank and Rs.40,000/- cash were recovered.

Learned counsel for the petitioner submits that Banti Kumar @ Chakrapani in his confessional statement disclosed the name of Shiv Shankar Singh who is said to have accompanied him and further disclosed the name of five persons including the petitioner, Ravi Ranjan Kumar, but the petitioner was not found inside the premises of the Railway Station. Save and except the confession of the co-accused, Banti Kumar @ Chakrapani, there is no tangible material to show the involvement of the petitioner in fraudulent withdrawal of money from ATM after cloning the ATM cards of genuine customer. It is further submitted that Shiv Shankar Singh @ Shiv Shankar Kumar, the person who is said to have accompanied Banti Kumar, has already been enlarged on anticipatory bail by a coordinate Bench of this Court vide order dated 23.08.2019, passed in Cr. Misc. No.39675 of 2019. The case of the petitioner stands on better footing.

The learned Additional P.P. however, opposed the prayer for anticipatory bail.

Having considered the facts and the submissions made by the parties, it transpires that the name of the petitioner surfaced in the confessional statement of Banti Kumar @ Chakrapani who



was apprehended while coming out from the ATM situated at Gaya Railway Station and from his possession, two ATM cards of Andhra Bank and cash of Rs.40,000/- were recovered. Banti Kumar @ Chakrapani disclosed that Shiv Shankar Singh accompanied him. He further disclosed that five persons including the petitioner are the member of his gang, but the Investigating Officer save and except the confession of Banti Kumar @ Chakrapani did not collect any further evidence.

Taking into consideration the facts aforesaid and the fact that Shiv Shankar Singh has already been granted anticipatory bail, petitioner, namely, Ravi Ranjan Kumar in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, 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 the learned Additional Chief Judicial Magistrate, Railway, Gaya in connection with Gaya Rail P.S. Case No.408 of 2018, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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