

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15451 of 2022

Arising Out of PS. Case No.-299 Year-2021 Thana- PUPRI District- Sitamarhi

BADE KUMAR Son of Ram Chandra Yadav Resident of village - Sonbigha,
P.S.- Tankuppa, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma (Sr. Advocate)
		Mr. Virendra Kumar (Advocate)
For the Opposite Party/s	:	Mr. Ganesh Prasad Singh (Advocate)

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-07-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Pupri P.S. Case No. 299 of 2021 registered for the offences punishable under Sections 419, 420, 467, 468, 471, 120(B) of the Indian Penal Code read with Section 66(C) and 66(e) of IT Act.

As per prosecution case, the informant tried to swipe his ATM card suddenly both accused persons surrounded the informant and snatched his card and they tried to swipe or scan the card of the informant with a swipe machine which was with the accused persons. When the informant asked for his



ATM Card, both the accused persons tried to flee away. Informant raised alarm and both the persons were caught by the mob and both accused persons identified as Bade Kumar (Petitioner) and other.

Learned counsel for the petitioner submits that petitioner is in custody since 01.09.2021. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from the possession of the petitioner rather. Only petitioner's own ATM card has been recovered from his possession and so far recovery of swipe machine, the same was kept in ATM machine. No transaction of informant's money was made in the present case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, keeping in view clean antecedent of the petitioner, nature of allegation, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, and also taking into consideration the material available on record, let the petitioner above named be



released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Pupri, Sitamarhi in connection with Pupri P.S. Case No. 299 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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