

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17505 of 2022

Arising Out of PS. Case No.-415 Year-2020 Thana- AURANGABAD TOWN District-
Aurangabad

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Waris Khan @ Waris Son of Jaffruddin Khan Resident of Village - Bilaspur,
P.s.- Tizara, Distt.- Alwar, State - Rajasthan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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with
CRIMINAL MISCELLANEOUS No. 18383 of 2022

Arising Out of PS. Case No.-415 Year-2020 Thana- AURANGABAD TOWN District-
Aurangabad

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Md Moin Kadar Khan son of Kayam Kadar Khan resident of village -
jalalpur, p.s.- Palwala, Distt.- Palwal (Haryana).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

(In Criminal Miscellaneous No. 17505 of 2022)

For the Petitioner/s : Mr.Binod Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Abhay Kumar, APP

(In Criminal Miscellaneous No. 18383 of 2022)

For the Petitioner/s : Mr.Binod Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 10-08-2022 The learned counsels for the petitioners are directed

to remove all the defects pointed out by the Stamp Reporter

within one month.

Heard learned counsels for the petitioners and the

learned APP for the State.

Petitioners seek regular bail in connection with



Aurangabad (Town) P.S. Case No. 415 of 2020 registered for the offences under Sections 379 and 427 of the Indian Penal Code.

As per prosecution story, the informant, who is stated to be Service and Operational Manager of IDBI Bank, alleged that on 19th November, 2020 he got the information that vault of an ATM Machine installed at M.G. Road nearby Mahesh Academy was in broken condition and thereafter he visited the said ATM machine and found the ATM vault having been cut by using gas cutter and the amount of Rs.21,81,800/- was not found in the ATM machine.

The main submissions advanced by learned counsel Mr. Bachan Jee Ojha appearing for both the petitioners are that against both the petitioners there is no evidence except their statements recorded before the police in Telangana State in relation to Abdulppurniet P.S. Case No. 374 of 2020 and merely on that basis both the petitioners were remanded in the present case. Further submission is that after the remand of the petitioners in the present case the police failed to recover any stolen money or any incriminating article from the possession of both the petitioners and they have been languishing in jail since 17.12.2021. Further submission is that against the petitioners there is criminal antecedent of ten cases in which they are on



bail and the investigation against them has been completed and they have been charge-sheeted without any legal evidence.

Learned APP Mr. Abhay Kumar appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and case diary of this case. The present case relates to theft having been committed by accused persons who cut an ATM machine by using gas cutter and a large amount of Rs.21,81,800/- was stolen. Both the petitioners are accused in eleven cases lodged in several States. Though against the petitioners there is no strong material in the case diary at this stage and the investigation has also been completed against them but the case diary goes to show that the investigation has been kept pending in respect of other co-accused persons and the case diary also goes to show that the alleged occurrence was committed in a planned manner by an organized gang. Hence at this stage it will not be proper to enlarge both the petitioners on regular bail. Accordingly their bail prayer stands rejected.

Petitioners may renew their bail prayer after the completion of investigation which has been kept pending in respect of co-accused persons whose identity has been revealed during the course of investigation. If the police fail to complete



the investigation in respect of the said co-accused persons, who have been identified, in the next six months then the petitioners will also have a liberty to renew their bail prayer, after completion of said six months period.

(Shailendra Singh, J.)

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