

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25889 of 2022

Arising Out of PS. Case No.-1016 Year-2021 Thana- NAGAR District- Vaishali

Sonu Kumar Son of Om Prakash Sah Resident of Village - Pervejabad, Gola Bajar, Sonpur, P.S.- Sonpur, District - Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Rajeev Nayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-08-2022 Heard learned counsel for the petitioner and
learned APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is in custody in connection with
Hajipur Town P.S. Case No. 1016 of 2021 under sections 420,
379/34 of the Indian Penal Code.

The allegation in the FIR is that the informant who
was attending marriage ceremony wanted some money.
Accordingly, she went to the ATM of Axis bank. She further
alleged that two persons were standing behind her and when she
inserted the card in the machine, one of them told her that the
card has wrongly been placed. She alleges that he immediately
removed the card and thereafter fled away. She raised 'hulla'



whereafter people assembled there and his associate who was standing there behind her was caught hold by them. The said associate happens to be the petitioner herein.

Learned counsel for the petitioner submits that the accused Lakshmi Kumar is his neighbour and he asked him to accompany to the ATM as he wanted withdrawal of money. Under bona fide belief, he went with his neighbour where his neighbour committed the crime and fled away from the place of occurrence. Being completely unknown to the motive of the said Lakshmi Kumar, he remained there, was caught by the people and is in custody since then, 15.12.2021. He submits that he has clean antecedent.

Considering the fact that the snatching and fleeing away of the ATM Card has been alleged to be an another co-accused, the petitioner herein is alleged to be his accomplice , has clean antecedent and he is in custody in connection with 15.12.2021, this Court is inclined to grant him the privilege of bail. However, if it is found that the petitioner has criminal antecedent, his bail bonds shall stands cancelled.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial



Magistrate, Vaishali at Hajipur, in connection with Hajipur Town P.S. Case No. 1016 of 2021 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for one year to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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