

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28768 of 2022**

Arising Out of PS. Case No.-292 Year-2020 Thana- GAYA MUFASIL District- Gaya

RAHUL KUMAR @ SANJAY DAS Son of Dilip Manjhi, Resident of village - Manpur
Kumhar Toli, P.S.- Muffasil, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishwa Ranjan Choudhary, Advocate
For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

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

2 24-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Muffasil P.S. Case No. 292 of 2020 registered for the alleged offences under Sections 406, 420, 467, 468 and 34 of the Indian Penal Code.

As per prosecution case, the police received information about absconding co-accused Shubham Yadav and his four to five associates hiding at an identified house and making plan to commit some big crime. A raid was conducted and four co-accused persons were apprehended and a large number of ATM Cards, scanner machine, mobile phones, cash and arms and ammunitions



were recovered. They confessed about cloning of ATM Cards and using ATM Card to fraudulent transfer of money from different persons. At the same time, the name of this petitioner came up as also being involved in this illegal business and who used to steal the ATM cards and supply to same to another co-accused and using these ATM Cards for illegal withdrawal of money.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and he was not arrested from the spot and nothing incriminating has been recovered from his possession. Other co-accused persons who have been apprehended from the spot, namely Rohit Kumar, Manish Kumar and Jaicky Kumar have already been granted bail in Cr. Misc. No. 30058/2021, Cr. Misc. No. 45917/2021 and Cr. Misc. No. 22714/2021. Charge sheet has been submitted in this case and the petitioner is in custody since 24.08.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner is a habitual offender and a number of cases are pending against him.

Having regard to the facts and circumstances and considering the submission made on behalf of the petitioner that petitioner was not apprehended from the spot and no recovery has been made from him and also considering grant of bail to other co-accused persons, the petitioner above named is directed to be



released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Muffasil P.S. Case No. 292 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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