

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42716 of 2021**

Arising Out of PS. Case No.-69 Year-2021 Thana- PATLIPUTRA District- Patna

Md. Emamuddin Hussain @ Md. Sonu Son of Md. Mazid Hussain @ Masjid
Hussain R/o Anisabad, Police Colony, P.S.- Phulwari Sharif, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjiv Sharan, Advocate

For the Opposite Party/s : Mr. Satyadeo Singh Yadav, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 12-01-2022 Heard learned counsel for the petitioner and Shri
Satyadeo Singh Yadav, learned A.P.P. for the State through virtual
Court proceedings.

The petitioner seeks regular bail in connection with
Patliputra P.S. Case No. 69 of 2021 instituted for the offences
under Sections 461, 379 and 511 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 05.04.2021 and charge-sheet has
been submitted in the case.

Learned counsel for the petitioner submits that the
informant alleges that he received information that one accused
has been caught while cutting A.T.M. of Bank of India and a gas
cutter has also been seized at the place of occurrence. The
apprehended accused, Vivek Kumar disclosed the name of three
accused including the petitioner who fled away but no money was



withdrawn from the chamber of the A.T.M.

Learned counsel for the petitioner submits that admittedly from perusal of the allegation it would manifest that petitioner was not apprehended at the place of occurrence, no money was withdrawn from the chamber of the A.T.M. and the name of this petitioner transpired in the confessional statement of co-accused Vivek Kumar who has been granted bail by order dated 16.12.2021 in Cr. Misc. No. 42949 of 2021.

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

Considering the fact that the petitioner is in custody since 05.04.2021, charge-sheet has been submitted in the case and the co-accused has been granted bail, as aforesaid, based on whose confessional statement name of this petitioner transpired, let the petitioner above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Judge-XII-cum-A.C.J.M.-XII, Patna in connection with Patliputra P.S. Case No. 69 of 2021 with a condition that one of the bailors shall be the father of the petitioner.

(Satyavrat Verma, J)

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