

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57614 of 2021

Arising Out of PS. Case No.-162 Year-2021 Thana- EKANGARSARAI District- Nalanda

GOLU KUMAR Son of Ram Pravesh Singh @ Pravesh Kumar Resident of
Village - Narauli, P.S.- Sirdalla and District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No2, Advocate
For the Opposite Party/s : Mrs. Asha Devi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 26-04-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 09.07.2021, seeks
regular bail in connection with Ekangarsarai P.S. Case No. 162
of 2021 registered for offences punishable under Sections 379
and 420/34 of the Indian Penal Code.

Prosecution story in brief is that the informant had
gone to withdraw money from Punjab National Bank's ATM
situated at Ekangarsarai Bazaar. He took help of two unknown
persons to get money withdrawn because he was not having any
knowledge in what manner ATM machine functions. In course
of the said, the two unknown persons exchanged the ATM card



of the petitioner and after that they flee away from the place. Petitioner found that the fraud has been committed with him, he raised alarm and the present petitioner was apprehended from whose possession one ATM card of Punjab National Bank was recovered.

Learned counsel appearing on behalf of the petitioner submits that the ATM card which has been recovered from the petitioner is of Punjab National Bank. Admittedly, the informant was having ATM card relating to account no. 327415970672 issued by the State Bank of India, prima facie the very allegation that the petitioner has duped the informant with ATM of Punjab National Bank is not made out. Petitioner is in custody since 09.07.2021 and no recovery of money has been made to connect the petitioner with allegation made under Section 379 and 420/34 of the Indian Penal Code.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner.

Considering the above mentioned facts and circumstances of the case and allegation made against the petitioner in the FIR as well as the period of custody undergone by the petitioner, without going into the merits of the case, the petitioner above named, is directed to be enlarged on bail upon



furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa, Nalanda in connection with Ekangarsarai P.S. Case No. 162 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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