

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64641 of 2021

Arising Out of PS. Case No.-441 Year-2021 Thana- ARARIA District- Araria

ANUJ KUMAR Son of Mukesh Yadav Resident of Village - Dhangara, P.S.-
Simraha, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate
For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-05-2022 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 03.06.2021, seeks
regular bail in connection with Araria P.S. Case No. 441 of 2021
dated 02.06.2021 registered for offences punishable under
Sections 414, 406, 420, 379/34 of the Indian Penal Code.

The police force is stated to be on look out for certain
accused persons and in the course thereof, they had reached at
the place of occurrence i.e. near the Canara Bank and had
apprehended the petitioner and one other co-accused person.
Upon search, as far as the petitioner is concerned, 24 A.T.M.
cards are stated to have been recovered.



Learned counsel appearing on behalf of the petitioner submits that petitioner is not connected with the co-accused Rahul Kumar, who has already been released on bail by a co-ordinate Bench of this Court vide order dated 29.03.2022 passed in Cr. Misc. No. 58902 of 2021 or any accused whose name has surfaced in course of investigation. There is no allegation of withdrawal of any cash amount by using the said A.T.M. cards. Petitioner is in custody since 03.06.2021.

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

Taking into consideration the very fact that petitioner is in custody since the date of commission of the offence in which altogether 24 ATM cards have been recovered from the possession of the petitioner, the petitioner has pleaded his innocence that he is not involved in the present case, however, he has been made accused due to enmity with the police personnel. Altogether five cases are pending against the petitioner out of which he has been remanded in three cases. Only two cases were pending against the petitioner for alleged offence committed under Section 379, 411 of the Indian Penal Code in connection with Araria P.S. Case No. 31 of 2018 and under Section 30(a) of the Bihar Prohibition and Excise Act,



2016 in connection with Araria P.S. Case No. 03 of 2019.

The Court below is directed to give finding as to whether the cases which have been mentioned in paragraph no. 3 of the bail application, the petitioner is involved with any of other co-accused mentioned in the present case i.e. Araria P.S. Case no. 441 of 2021 or with accused persons of any of the cases which have been mentioned in paragraph no. 3. If he is not one of the members of any of the gang which is involved in theft of ATM cards, the petitioner, above named, is directed to be released 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 Chief Judicial Magistrate, Araria in connection with Araria P.S. Case No. 441 of 2021 dated 02.06.2021 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.

(v) The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will loose its force automatically.

(vi) The petitioner will make his attendance before the concerned police station under which his house is located every fortnightly till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the police station shall submit his monthly attendance report to the Superintendent of Police having jurisdiction.

(Purnendu Singh, J)

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