

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65442 of 2021**

Arising Out of PS. Case No.-493 Year-2021 Thana- SIWAN CITY District- Siwan

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Anish Kumar @ Anish Kumar Rai, Son of Akhileshwar Ray @ Akhilesh Ray
@ Akhilesh Rai, Resident of Village- Khalwan, P.S.- Nautan, District- Siwan,
Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 15-09-2022 Today, the matter is being taken up out of turn, on the

motion slip filed by the learned counsel for the petitioner
praying therein that the date of examination of the petitioner has
been scheduled for 27.09.2022.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Prashant Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Siwan Town P.S. Case No. 493 of 2021
registered for the offences punishable under Sections 419, 420,
379/34 of the Indian Penal Code.

As per prosecution case, it is alleged that in course of
patrolling of the banks and ATMs, the police personnel



apprehended the petitioner, however, on noticing the police, two persons succeeded in fleeing away. On search, the police recovered an ATM swipe machine, four ATM cards, few blank ATM cards and one Samsung Mobile Phone.

Learned counsel for the petitioner submits that in fact all the four ATM cards possessed by the petitioner are in the name of his family members and friends, which has fully been explained in paragraph 7 of the bail application and in support of his submission bank details, suggesting the ownership of the ATM cards have been annexed as Annexure 2 series. He also submits that so far the mobile phone is concerned that belongs to the petitioner. He next submits that on the fateful day, the petitioner had gone to withdraw the money for construction of his house, in the meantime, the police apprehended the petitioner on suspicion. While concluding his submission, learned counsel for the petitioner submits that the petitioner is in custody since 16.09.2021 and, moreover, the investigation of the crime is already concluded and charge-sheet has been submitted and so far the petitioner is concerned, he is a student, has been preparing for competitive examination.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner was apprehended at the spot and various incriminating



materials have been recovered from his possession.

Regard being had to the explanation made by the petitioner, coupled with the period of incarceration and the fair antecedent of the petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan, in connection with Siwan Town P.S. Case No. 493 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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