

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67981 of 2021

Arising Out of PS. Case No.-510 Year-2021 Thana- SHEKHPURA District- Sheikhpura

UMAKANT SINGH S/o Sahdeo Prasad R/o village- Dheosa Bigha, P.S.-
Sheikhpura (Kusumbha O.P.), District- Sheikhpura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Syed. Rizwanul Haque, Advocate

For the Opposite Party/s : Mr.Ramchandra Singh, 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 A.P.P. for the State.

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

The petitioner seeks regular bail in connection with
Sheikhpura P.S. Case No. 510 of 2021, for the offence
punishable under Sections 419, 420 and 406 of the Indian Penal
Code.

The prosecution case, in brief, is that on 29.09.2021,
informant A.S.I. of Sheikhpura namely Rishav Yadav received
secret information that cyber thug is engaged in drawing money
from A.T.M. Thereafter, informant along with other Police
personnel reached there and caught a person on suspicion, who
disclosed his name as Umakant Singh (Petitioner). On search,
A.T.M. cards of different banks in the name of different persons



and two passbooks a mobile and cash of Rs. 10,000/- along with a motorcycle bearing registration No. BR-2C-7459 was recovered from the possession of the petitioner. The petitioner disclosed that one Gopi has handed over the ATM of the accused petitioner. It is further said that the arrested persons confessed that he used to draw the money from the A.T.M. It is further said that the arrested person confessed that he has kept the money in the house, thereafter, the house was searched and Rs. 2,19,500/- was recovered from the house.

Learned counsel appearing on behalf of the petitioner submits that all the six A.T.M cards, which were seized from the shop of the petitioner belongs to the petitioner and his other family members. The petitioner is running business of selling of furniture and his shop is situated at Chandani in Sheikhpura. The petitioner, out of sell of furniture, had kept Rs. 2,19,500/- in his house and in that effect the petitioner maintains cash book memo of the relevant documents relating to sell and purchase of the goods. The petitioner is registered dealer under GST and he is also income tax payee. The petitioner is the registered owner of motorcycle bearing registration No. BR-2C-7459. The petitioner is in custody since 29.09.2021.

Learned A.P.P. for the State has opposed the prayer for



grant of bail to the petitioner.

Considering the nature of allegation made in the F.I.R. as well as the specific statement made by the petitioner both oral as well as submission made in the bail application, particularly, paragraph Nos. 6 and 7, it appears that petitioner has substantiated with legal documents that the seized articles belongs to him and the motorcycle, which was seized is also registered in his name. However, in absence of any legal document with respect to the ownership of the shop, which is engaged in sell and purchase of furniture has not been brought on record along with the present bail application.

The Court below is directed to obtain the relevant legal documents relating to the shop of the petitioner and recent income tax return of the petitioner, if such documents are produced before the learned Court below, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sheikhpura in connection with Sheikhpura P.S. Case No. 510 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court



concerned.

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

(3) 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.

(4) 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 bonds.

(Purnendu Singh, J)

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