

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70611 of 2021**

Arising Out of PS. Case No.-292 Year-2020 Thana- GAYA MUFASIL District- Gaya

CHHOTU @ BAUNA, Son of Thakur Prasad, Resident of Mohalla - Patwa
Toli, Manpur, P.S. - Muffasil, District - Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sharda Nand Mishra, Advocate Mr. Dhananjay Kumar Gupta, Advocate Mr. Deepak Kumar, Advocate
For the Opposite Party/s :		Mr.Nityanand, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

3 11-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Muffasil P.S. Case No. 292 of 2020 registered for the alleged offences under Sections 406, 420, 467, 468 and 34 of the Indian Penal Code.

As per prosecution case, a raid was conducted on a house by the police on getting information about an absconding criminal, a co-accused, and apart from psychotropic substance, a number of ATM cards, mobile phone and cash including foreign



currency were recovered from the apprehended co-accused persons. The petitioner was also apprehended from the same place but no recovery was made from him.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. It is apparent from the F.I.R. that no recovery has been made from the possession of this petitioner and hence, there will be no application of any of the sections mentioned in the F.I.R. against this petitioner. Other co-accused persons have been granted bail vide order dated 08.12.2021 passed in Cr. Misc. No. 22714 of 2021, vide order dated 17.01.2022 passed in Cr. Misc. No. 45917 of 2021 and vide order dated 23.02.2022 passed in Cr. Misc. No. 30058 of 2021, respectively. Charge sheet has been submitted in this case and the petitioner is in custody since 22.06.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner and other co-accused persons used to make illegal withdrawal from ATM using forged ATM cards.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from the petitioner and further considering the lack of material against him on record, the petitioner above named is directed to be released on bail on



furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Muffasil P.S. Case No. 292 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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