

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17889 of 2023

Arising Out of PS. Case No.-785 Year-2022 Thana- BANKA District- Banka

SONU @ SONU KUMAR Son of Chhote @ Chhote Lal Resident of Village -
Hirapur Diyara, P.O.- Mainupur, P.S.- Kalpi, District - Jalaun (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 17-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 420, 379, 120B of the Indian Penal Code.

According to the FIR, allegation against the petitioner is that he tried to withdraw money from ATM by using fraudulent way. Thereafter, with the help of guard, the petitioner was arrested from whose possession, one ATM card along with ten thousand cash was recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. It is further submitted vide para 7 & 8 of the petition that the petitioner was arrested inside



of ATM room but the said ATM card has not been found forged. Petitioner was simply withdrawing money from the ATM machine which is not an offence. It is also submitted that this case is triable by court of Judicial Magistrate. He has got no criminal antecedent as stated in para-3 of the petition. Moreover, the petitioner is languishing in judicial custody since 8.12.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Banka P.S. Case No. 785 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka or concerned Court.

(Sunil Kumar Panwar, J)

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