

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20125 of 2023

Arising Out of PS. Case No.-6 Year-2023 Thana- SAHAJITPUR District- Saran

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SUBODH KUMAR SINGH @ SUBODH KUMAR Son of Nagendra Singh
R/O Vill.- G.S. Bangra, P.S.- Jalalpur, District - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
16.01.2023 in connection with Sahajitpur P.S. Case No. 06 of
2023, F.I.R. dated 14.01.2023 for the offences punishable under
Sections 379, 401, 420, 406, 411, 413, 34 of the Indian Penal
Code.

According to prosecution case, as per written report of
Pintu Kumar, Sub-Inspector informant of this case stating
therein that on 14.01.2023 at about 13:15 hours that 2-3
unknown suspicious persons are in opportunity to commit crime
at SBI ATM both Manopali Chowk, Sahjitpur. Informant
reached to the place of occurrence along with police force and
found three persons nearby ATM and they started running away



seeing the police force, but accused petitioner and other accused persons were caught by the police force and they disclosed their names as accused petitioner, Jitendra Mishra and Rahul Kumar Singh and on search 10 ATM cards of different banks has been recovered from wallet of petitioner along with one smart phone with Airtel SIM.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and petitioner has not committed any offence as alleged in the F.I.R.. He further submits that nothing has been recovered from the conscious possession of the petitioner, rather the police has planted the same and shown the recovery from the possession of the petitioner. He further submits that as per allegation in the F.I.R. that 10 ATM Cards have been recovered from the possession of the petitioner but no one has claim that his or her ATM cards was stolen by anyone and even the prosecution has not disclosed the owner of the ATM card holder and event the prosecution has not verified from the concerned bank with respect to ATM card in question. He further submits that the police after investigation submitted the charge sheet against the petitioner and the



petitioner is in judicial custody since 16.01.2023.

Learned counsel for the petitioner further submits that petitioner carries four criminal antecedents other than the present but on instruction he submits that the petitioner is on bail in all cases.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries four criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Ms. Pragay Manas, Judicial Magistrate, Chapra at Saran in connection with Sahajitpur P.S. Case No. 06 of 2023, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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