

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31520 of 2022

Arising Out of PS. Case No.-119 Year-2020 Thana- ALOULI District- Khagaria

NIRAJ KUMAR SON OF GAJENDRA SINGH R/O VILLAGE- CHHOTI
BALHA, P.S.- MANSI, DISTRICT- KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh

For the Opposite Party/s : Mr. Nityanand

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 14-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case instituted
for the offence under Section 406 and 420 of the Indian Penal
Code.

As per allegation in the FIR, on 29.02.2020 petitioner
and one Santosh Kumar loaded cash of Rs. 16 lac in A.T.M.
vault. It is further alleged that in presence of A.T.M. Officer
Deepak Kumar, Santosh Kumar and Engineer Vikash Kumar on
12.03.2020 for the purpose of repairing A.T.M. machine, it was
opened and they found that huge amount of Rs. 13,18500/- was
missing. From C.C.T.V. footage of ATM, it appeared that
petitioner has withdrawn the said amount from vault of the said
ATM machine.

It is submitted by learned counsel for the petitioner



that petitioner has been falsely implicated in this case. At the time of loading the cash, petitioner was accompanied by Santosh Kumar, who has not been made accused in the present case. No image of CCTV footage is brought on record to support the involvement of the petitioner in the alleged crime. He is a man of clean antecedent. Petitioner is languishing in judicial custody since 23.01.2022.

Learned APP appearing for the State has opposed the prayer of Bail and submitted that there is specific allegation against the petitioner for withdrawing the money. During investigation, in para 5,6,43 and 44 of the case diary, several witnesses have supported the prosecution story.

Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

However, if the trial of the petitioner is not concluded within a period of six months, he would be at liberty to renew his prayer for bail.

(Sunil Kumar Panwar, J)

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