

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37211 of 2022**

Arising Out of PS. Case No.-91 Year-2022 Thana- BANMANKHI District- Purnia

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AJIT KUMAR MEHTA SON OF SIYA LAL MEHTA RESIDENT OF
VILLAGE- GOKULPUR, P.S.- K. NAGAR, DISTRICT- PURNEA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal, Adv.

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 18-01-2023 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Banmankhi P.S. Case No. 91 of 2022 registered for the offences

punishable under Sections 379, 411, 414 of the Indian Penal

Code.

As per prosecution case, on 12.03.2022 the

informant went to ATM to withdraw money. It is alleged that at

that time one person came from behind the informant and said

that he has also to withdraw money and he will assist the

informant in withdrawing money from the ATM. It is further

alleged that said person withdrew Rs. 4000/- and handed



duplicate ATM card to the informant. It is further alleged that with the help of other co-villagers said person was apprehended who disclosed his name as Ajit Kumar Mehta (petitioner). It is further alleged that when search was made, 26 ATM cards of different banks and the ATM card of informant was recovered from possession of the petitioner.

Learned counsel for the petitioner submits that petitioner bears criminal antecedent of one case in which he is on bail. He further submits that as per FIR, the money which was withdrawn has been given to the informant. From perusal of the FIR and seizure list, it appears that money which had been withdrawn has not been recovered from possession of the petitioner and the alleged seizure list does not show that seizure list mentioned ATM cards were recovered from possession of the petitioner. From perusal of the FIR, it appears that there is no loss of money to the informant nor petitioner has gained money from ATM card of informant. Seizure list witnesses are the family members of the informant. There is no independent witness of the seizure list. Petitioner is languishing in custody since 13.03.2022. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.



The learned A.P.P. for the State opposes the prayer for bail of the petitioner by submitting that petitioner is apprehended with 26 ATM cards of different banks.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Banmankhi P.S. Case No. 91 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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