

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39617 of 2022

Arising Out of PS. Case No.-33 Year-2022 Thana- KHAGAUL District- Patna

SANTOSH KUMAR SONI SON OF KEDAR PRASAD R/O VILLAGE-
MEEL ROAD, MIRGANJ, P.S.- MIRGANJ, DISTRICT- GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 24-01-2023 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
Khagaul P.S. Case No. 33 of 2022 registered for the offences
punishable under Sections 379, 511, 427 of the Indian Penal
Code.

As per prosecution case, unknown person covering
his face with mask and cap, made an attempt to steal money
from ATM by damaging door of the ATM cabin and ATM
locker. It is also alleged that the said person damaged the bullet
camera of the said cabin. It is further alleged that an electric
hammer machine, one hammer and power cable box were left



by the said person in the ATM cabin.

Learned counsel for the petitioner submits that the FIR has been lodged against unknown person. During the course of investigation the name of the present petitioner has been surfaced in this case as petitioner was apprehended in Digha P.S. Case No. 71 of 2022 and upon the confessional statement in the said case he was remanded in the present case. No incriminating article has been recovered from the possession of the petitioner. The petitioner is quite innocent and has falsely been implicated in the present case. He further submits that there is no question of recovery from the petitioner as from the perusal of FIR it is clear that only an attempt has been made to steal the money from ATM. Learned counsel for the petitioner submits that petitioner is in custody since 23.02.2022 and bears criminal antecedent of three cases in which he is on bail. 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 vehemently opposes the prayer for bail of the petitioner.

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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Danapur, Patna in connection with Khagaul P.S. Case No. 33 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.

(Alok Kumar Pandey, J)

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