

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56176 of 2022

Arising Out of PS. Case No.-116 Year-2022 Thana- DANAPUR District- Patna

Arvind Kumar S/o Dhananjay Singh, R/o Village- Oro, P.S.- Hisua, Distt-
Nawadah.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Sr. Advocate Ms. Vaishnavi Singh, Advocate
For the EOU	:	Mr. V.N.P. Sinha, Sr. Advocate Ms. Soni Srivastava, Advocate
For the Opposite Party/s	:	Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 05-04-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

Petitioner seeks regular bail in connection with
Sessions Trial No. 578 of 2022 arising out of Danapur P.S. Case
No. 116 of 2022 dated 15.02.2022 registered for the offences
punishable under Sections 379, 413, 420, 467, 468, 471/34 of
the Indian Penal Code.

As per the prosecution, the police personnel on secret
information apprehended this petitioner and upon search
recovered 10 ATM cards of different banks with Aadhar and
PAN card. Further it is alleged that the accused persons
indulged in the practice of fraudulently withdrawing money



from ATMs.

The main submissions advanced by the learned counsel for the petitioner are that the alleged offences of sections 420, 467, 468 and 471 of the Indian Penal Code are not made out against the petitioner as no one has come out as being victim of the alleged ATM cards which were recovered from the possession of the petitioner and simply on account of several ATM cards being in the possession of the petitioner the said offences have been added in the FIR, the petitioner has been chargesheeted and the witnesses of the seizure are police personnel hence there is no independent witness and the petitioner has been languishing in jail since 15.02.2022.

Learned APP appearing for the State has opposed the bail prayer, but fairly accepted that during investigation no one came out with an allegation of cheating being committed by the petitioner.

Considering the above submissions and mainly the custody period of the petitioner and also the facts that against him the investigation has been completed and the main prosecution witnesses are official persons and during investigation no one came out with an allegation of being victim on account of the alleged act of the petitioner and mainly on



account of the reason of several ATM cards having been found in the possession of this petitioner it was presumed that he had committed the alleged offences mentioned in the FIR, in the opinion of this court, the petitioner deserves to a lenient approach of this court. Accordingly, let the **petitioner be released on bail after framing of charge, if the same has not been framed**, on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Sessions Trial No. 578 of 2022 arising out of Danapur P.S. Case No. 116 of 2022.

(Shailendra Singh, J)

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