

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57002 of 2022

Arising Out of PS. Case No.-440 Year-2021 Thana- WAJIRGANJ District- Gaya

CHHOTE LAL SINGH @ GAJENDRA KUMAR Son of Vijay Kumar
Resident of Village - Latawar, P.S.- Hisua, Distt.- Nawada.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 10-01-2023 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
Wazirganj PS case no. 440 of 2021 instituted for the offences
punishable under Sections 467, 468, 471, 406, 420, 120B/34 of the
Indian Penal Code and Section 66 of Information and Technology
Act.

The informant and other police personnel are stated
to be on patrolling duty on the alleged date and time of occurrence
and when they had reached near Wazirganj Market near the S.B.I.
A.T.M. as also near the A.T.M. of Axis Bank, they saw that one
Renault Kwid car is parked there and two persons were entering the
A.T.M. as also their behaviour appeared to be suspicious, hence,
thereafter, the said two accused persons namely Chandan Kumar and
Dinesh Kumar were apprehended and on search of their person as



also upon search of their car, several A.T.M. cards, A.T.M. Scanner Machine, A.T.M. Writer Machine, Laptop etc. were recovered. It is further alleged that upon interrogation, they disclosed about the complicity of the petitioner and also stated that the petitioner had supplied A.T.M. Scanner Machine and A.T.M. Writer Machine to them few days back and the petitioner was also having share in the Booty, thus, it is the allegation of the informant that the accused persons including the petitioner used to hatch conspiracy and commit crime.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case and he is languishing in custody since 28.05.2022. The learned counsel for the petitioner has further submitted that the petitioner is accused in three other cases but he is on bail in two of them, nonetheless, it is submitted that the petitioner is ready to abide by such conditions as may be deemed fit and appropriate to be imposed on the petitioner for the purposes of grant of bail. It is also submitted that two apprehended accused persons namely Chandan Kumar and Dinesh Kumar have already been granted bail by a co-ordinate Bench of this Court vide order dated 13.07.2022, passed in Cr. Misc. no. 68412 of 2021. Lastly, it is submitted that no incriminating articles have been recovered from the possession of the petitioner.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.



Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record, this Court finds that the petitioner is alleged to be an accomplice of the co-accused persons namely Chandan Kumar and Dinesh Kumar, however, till date, no recovery has been effected from him, nonetheless, considering the fact that he is an accused in three other criminal cases, I deem it fit and appropriate to direct for release of the petitioner on bail immediately upon framing of charge by the learned trial court, subject to such conditions, as may be deemed fit and appropriate to be imposed by the learned court of Additional Chief Judicial Magistrate-I, Gaya in connection with Wazirganj PS case no. 440 of 2021.

The present petition stands disposed off with the aforesaid observations and directions.

(Mohit Kumar Shah, J)

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