

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60511 of 2022

Arising Out of PS. Case No.-813 Year-2018 Thana- NAWADA District- Nawada

Gautam Kumar, aged about 23 years, Male, Son of Jitendra Singh @ Jitu Singh @ Dhirendra Singh R/v- Narhat Dakhinwari Tola, P.S.- Narhat, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Adv.

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-01-2023 Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Nawada (Nagar) P.S. Case No. 813 of 2018 registered for the offence punishable under Section 420/ 379/ 467/ 468/ 471/ 34 of the Indian Penal Code (for brevity 'IPC') and Section 66 of the I.T. Act.

One Gopal Kumar (co-accused) was apprehended by the A.T.M. guard, while he was allegedly misusing some fake A.T.M. cards for obtaining account statements from the A.T.M. Co-accused, who was in the 'scorpio' vehicle, outside the A.T.M., has allegedly fled away. The apprehended, Gopal Kumar has stated the name of the fleeing away person, as the petitioner.

Learned counsel for the petitioner submits that the petitioner's implication is only based on statement of co-accused. He, even as per prosecution case, was not apprehended outside the A.T.M. The co-accused, who has stated his name, has been allowed bail in Cr. Misc. No. 14055 of 2019. Petitioner has four criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application. In connection with this case, he is in custody since 28.05.2022.



Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, manner of petitioner's implication, claim based on parity and the fact that charge sheet has been submitted, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada, in connection with Nawada (Nagar) P.S. Case No. 813 of 2018, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

rajkishore/-

U		T	
---	--	---	--

