

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67188 of 2022

Arising Out of PS. Case No.-708 Year-2020 Thana- MAJHAULIA District- West Champaran

PRAMOD KUMAR Son of Dhrup Yadav R/v- Jaukatia, P.S.- Majhauiliya,
District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Adv.

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 07-04-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Majhauiliya P.S. Case No. 708 of 2020 dated 16.10.2020 registered for the offences punishable under Sections 399, 400, 401, 402, 403, 411, 413, 414, 419, 420, 467, 468, 471, 472, 379 and 120B of the Indian Penal Code and Sections 66 and 66C of the I.T. Act.

Allegedly, on seeing the police patrolling party some six to eight persons standing near the SBI ATM started fleeing



but on chase, four named accused persons were apprehended and from their possession several ATM cards, passbooks of different Banks, cash and other documents were recovered. It is further alleged that these apprehended persons disclosed the name of this petitioner to be indulged in financial fraud of various account holders.

The main submissions advanced by petitioner's counsel are that as per the prosecution's story appearing from the FIR, four co-accused persons namely Mantu Kumar, Samshad Alam @ Shamshad Alam @ Samsad Alam, Sonu Kumar and Mintu Kumar were apprehended and from their possession several ATM cards, passbooks of different Banks, cash, PAN card, several mobiles with *SIM* cards etc. were recovered but the petitioner was not apprehended with them and his name surfaced in the statements of the said apprehended co-accused persons and his name figured at serial No. 15 of the FIR and altogether thirty persons have been made accused out of whom twenty-six persons were made accused mainly on the basis of the statements of apprehended co-accused persons and against the petitioner, there is no any material except the disclosure made by the apprehended co-accused persons and the petitioner has been languishing in jail since 02.09.2022 and



against him there are criminal antecedents of two cases. Further submission is that all the above-mentioned four co-accused persons namely Mantu Kumar, Samshad Alam @ Shamshad Alam @ Samsad Alam, Sonu Kumar and Mintu Kumar have been granted bail by different Benches of this Court vide orders dated 22.10.2021, 22.10.2021, 24.09.2021 and 17.11.2021 passed in Cr. Misc. Nos. 16361/2021, 18072/2021, 21639/2021 and 24170/2021 respectively.

Learned APP appearing for the State has opposed the bail prayer but fairly accepted that against the petitioner, there is no any material except the statements made by the apprehended co-accused persons.

Having considered the above submissions and mainly the facts that the above-mentioned co-accused persons, who are carrying similar nature of allegation, have been granted bail by different Benches of this Court and the petitioner is stated to be 22 years old as per his petition and admittedly, after his arrest in the present matter the police failed to recover any incriminating material from his possession and the prosecution is mainly relying upon the statements of the apprehended co-accused persons in respect of his involvement in the alleged crime, in my opinion it is a fit case for bail to the petitioner. Accordingly, let



the petitioner named-above be enlarged 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 Court concerned in
connection with Majhauriya P.S. Case No. 708 of 2020.

(Shailendra Singh, J)

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