

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67253 of 2022**

Arising Out of PS. Case No.-474 Year-2022 Thana- GAYA KOTWALI District- Gaya

WASIM KHAN Son of Sahav Uddin Khan @ Sahabuddin Khan R/V- Pipra,
P.S- Wazirganj, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 03-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
06.08.2022 in connection with Kotwali P.S. Case No. 474/2022,
F.I.R. dated 05.08.2022, for the offence punishable under
Sections 420, 379, 511 and 427 of the Indian Penal Code.

According to prosecution case, the petitioner is alleged
to have engaged in tampering of ATM machine by putting ATM
card with the aid of tools.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case merely on the basis of suspicion.
He further submits that the allegation against the petitioner as
alleged in the F.I.R. is false and fabricated. He further submits



that it appears from the F.I.R. that nothing has been recovered from conscious possession of the petitioner rather the informant has produced the same to the police. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 06.08.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 C.J.M., Gaya, in connection with Kotwali P.S. Case No. 474/2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.



3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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