

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68509 of 2022

Arising Out of PS. Case No.-549 Year-2022 Thana- MAJHAULIA District- West Champaran

PAPPU KUMAR @ ADITYA S/o Late Ramesh Baitha R/o- Jaukatiya, Ward
No. 01, P.S.- Majhauria, District- West Champaran (Bettiah)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Krishna Singh, Sr. Advocate
		Mr.Bhaskar Shankar, Advocate
For the Opposite Party/s :		Mr.Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-03-2023 Heard learned senior counsel appearing on behalf of
the petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Majhauria
P.S. Case No. 549 of 2022 registered for the offence under
Sections 399, 400, 401, 402, 403, 411, 413, 414, 420, 467, 468,
471, 472, 379, 120(B) of the Indian Penal Code and Section
66(c), 66(F) of the I.T. Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 27.07.2022.

The allegation against the petitioner is to have in
possession of 26 numbers of unexplained ATM Cards belongs to



different nationalized banks, four (4) mobile phones and one black pulsar motorcycle.

Learned senior counsel appearing on behalf of the petitioner submitted that from the narration of the FIR, nothing appears on its face which may suggest that petitioner was under intention to threaten the unity, integrity, security, and sovereignty of this country and as such offence alleged under Section 66(F) of the I.T. Act, 2000, not appears convincing on its face. It is further submitted that petitioner not alleged with any fraudulent transactions with recovered ATM cards. While travelling over the argument learned senior counsel submitted that mobile phones belongs to the petitioner only. It is further submitted that seizure list appears doubtful being not supported by independent witnesses, rather by Bihar Homeguard personnels. It is also submitted that mere on the possession of unexplained multiple numbers of ATM cards, on the basis of suspicion, it cannot be said that petitioner was involved in cheating and to be involved in forgery. While concluding the argument, it is submitted that petitioner found involved in one more case where he is on bail and, moreover, investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the



evidence.

Learned APP opposes the prayer of bail.

In view of the facts and circumstances as mentioned above, as no actual transactions alleged to be made by the petitioner through seized ATM cards as per FIR, where seizure list is not supported by independent witnesses coupled with the fact that charge-sheet has already submitted, let the petitioner, above named, is directed to be released on bail in connection with Majhauria P.S. Case No. 549 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran, Bettiah/concerned Court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the learned Trial Court, only on



medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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

