

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74383 of 2023**

Arising Out of PS. Case No.-482 Year-2023 Thana- SITAMARHI District- Sitamarhi

Shekhar Kumar, son of Ramnath Sahani, resident of Village- Bara Bharti, P.S-
Minapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate
Mr. Rakesh Kumar Sharma, Advocate
For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-11-2023 Heard learned senior counsel for the petitioner and
learned A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Sitamarhi P.S. Case No. 482 of 2023, registered for the alleged offences under Sections 379, 413, 414, 419, 420, 467/34 of the Indian Penal Code.

3. As per prosecution case, police received secret information about some miscreants indulging in cheating and fraud which they doing by changing the ATM Cards of the innocent person and using it for withdrawal of cash from ATM. A raid was conducted and the petitioner along with other co-accused persons were apprehended. From this petitioner, five ATM cards, cash of Rs.90,000/- and a motorcycle were recovered. Further recovery of ATM Cards, cash, POS machine was made from other co-accused persons apart from mobile



phones, motorcycle etc.

4. The learned senior counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case merely on suspicion. The ATM cards which were recovered from the petitioner, belongs to him or his family members. The police did not verify the history of the ATM Cards whether they were lost ATM cards or stolen from some other persons and nobody came forward to claim the ownership of the ATM cards. The police submitted charge sheet without verifying the facts. The petitioner is in custody since 21.06.2023. The petitioner has got criminal antecedents of two cases and he is on bail in one such cases.

5. Learned A.P.P. opposes the prayer for bail submitting that the petitioner is a member of gang which has been using stolen ATM cards and further using the ATM cards after changing it from the innocent person for withdrawal of the cash from the ATM.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the period of custody of the petitioner as well as submission of charge sheet, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like



amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S. Case No. 482 of 2023, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

However, before accepting the bail bonds of the petitioner, the learned court below would verify the fact as to whether the ATM cards recovered from the petitioner belongs to him or his family members and if it is found that the said ATM cards do not belong to the petitioner or his family members, then his bail bonds will not be accepted.

(Arun Kumar Jha, J)

V.K.Pandey/-

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