

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69813 of 2022

Arising Out of PS. Case No.-578 Year-2022 Thana- SHEKHPURA District- Sheikhpura

Brajesh Kumar Son of Sanjay Kumar R/V- Mafo, P.S- Mehush, Dist-
Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 23214 of 2023

Arising Out of PS. Case No.-578 Year-2022 Thana- SHEKHPURA District- Sheikhpura

Dilkhush Kumar S/o Ramanuj Singh Resident of village-Bajpur, P.O. and
P.S.-Pakriwbarawan, District-Nawada

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 69813 of 2022)

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Ms. Vaishnavi Singh, Advocate
Mr. Ritwik Thakur, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP
(In CRIMINAL MISCELLANEOUS No. 23214 of 2023)

For the Petitioner/s : Mr. Shilpi Keshri, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-05-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioners seek bail who are in custody since



23.09.2022 in connection with Sheikhpura P.S. Case No. 578 of 2022, F.I.R. dated 22.09.2022 for the offences punishable under Sections 406, 468, 471, 419 and 420 of the Indian Penal Code.

According to prosecution case, all the accused persons including the petitioners are involved in ATM frauds and they cheat innocent people by exchanging ATM cards and making withdrawals and entice people in the name of providing loan. It is further alleged that during search, several ATM cards and other articles including cash have also been recovered from them.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that number of ATM cards and other articles have been recovered from the possession of the petitioners. He further submits that there is no complaint against these petitioners that they have used the said ATM cards of other persons. He further submits that the informant is the police officer and there is non-compliance of Section 100 of Cr.P.C. He further submits that the both the petitioners are students and they are pursuing their career. He further submits that the police after investigation submitted the charge sheet against the petitioners. The



petitioners are in custody since 23.09.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioner, namely, Brajesh Kumar carries 6 criminal antecedents and petitioner, namely, Dilkhush Kumar carries 2 criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail **after framing of charge** and on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sheikhpura in connection with Sheikhpura P.S. Case No. 578 of 2022, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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