

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25626 of 2024**

Arising Out of PS. Case No.-747 Year-2023 Thana- LAHERIMUHALLA District- Nalanda

Devendra Kumar @ Munna, aged about 20 years, Male, Son of Dukhan Tanti,  
Resident of Village- Tati Mirbigha P.S.-Warsaliganj District-Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                            |   |                                                                                                 |
|----------------------------|---|-------------------------------------------------------------------------------------------------|
| For the Petitioner/s       | : | Mr. Ramakant Sharma, Sr. Advocate<br>Mr. Ravi Ranjan Kumar, Advocate<br>Mr. Rakesh Kumar Sharma |
| For the Opposite Party/s : |   | Mr. Madhura Nand Jha, Advocate                                                                  |

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND  
MALVIYA**

**ORAL ORDER**

3      22-04-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with Laheri  
P.S. Case No. 747 of 2023 instituted for the offences punishable  
under Sections 467, 468, 471, 379, 411 and 120B/34 of the  
Indian Penal Code and Sections 66(C) / 66(D) of the I.T. Act.

3. As per the prosecution case, on secret information  
some cyber criminal with fake ATM cards are trying to  
withdraw money from the ATM booth. On search, the informant  
reached near the ATM booth and apprehended the person who  
disclosed his name as Devendra Kumar @ Munna (petitioner).  
On further search by the informant four ATM cards were  
recovered from the pocket of the paint as well as 46 notes of  
500 denomination was also recovered with a mobile phone.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case. On the basis of confessional statement of accused-petitioner three persons namely Sanjeet Kumar @ Chikku, Virat Kumar and Kanhaiya have also been apprehended from a house situated in mohalla- Shivpuri which was hired on rent by them. Petitioner has got no criminal antecedent as stated in para 3 of the petition is in custody since 19.12.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Sessions Judge, Nalanda, Bihar Sharif dated 06.03.2024, it appears that there is neither any allegation that he has withdrawn any amount from any other ATM nor there is any complaint from any persons holding ATM that the money has been withdrawn from his account. There is no any chance of petitioner to abscond or to tamper with the evidence. Similarly situated co-accused persons namely Virat Kumar and Sanjeet Kumar have been granted bail by the trial Court in B.P. No. 62 of 2024 dated 05.02.2024, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail *after framing of charge* on furnishing bail bonds of Rs.



10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Laheri P.S. Case No. 747 of 2023.

7. The trial Court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen days) from the date of receipt of a copy of this order. However, it is made clear that *if the charge-sheet has not been submitted* then the petitioner shall be released on bail on above conditions and he shall be present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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