

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31394 of 2024**

Arising Out of PS. Case No.-503 Year-2023 Thana- MADANPUR District- Aurangabad

Vivek Kumar, Son of Late Jagdish, Resident of Village- 1171 Subhash Nagar  
Mugalsarai , Ward no- 23, P.S- Kotwali Mugalarai, District-Chandauli (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Mohit Shrivastava, Advocate

For the Opposite Party/s : Ms. Asha Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

3      26-07-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Madanpur P.S. Case no. 503 of 2023 (G.R. no.3128 of 2023) registered under sections 457 and 380 of the Indian Penal Code.

3. As per the prosecution case, the informant states that he works for a company which operates the ATM machines for banks. At 6 A.M. on 16.11.2023, he received information about accused persons having used a gas cutter to damage the ATM machine of the Bank of India and of having taken away Rs.4.47 lacs.

4. Learned counsel for the petitioner submits that the F.I.R was registered against unknown. The petitioner has been falsely implicated in the case in course of investigation. The prosecution is mainly relying on the confessional statement of



the petitioner recorded before police. No incriminating article has been recovered from the petitioner's possession. The petitioner is in custody since 31.1.2024 and charge-sheet has been submitted in the case. With respect to his antecedents, it is submitted by learned counsel for the petitioner that the earlier F.I.Rs were registered on 3.11.2023 and 7.11.2023 followed by the the instant F.I.R on 16.11.2023, which would show his false implication by the police.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R, the material that has transpired in course of investigation, the petitioner having remained in custody since 31.1.2024 and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Madanpur P.S. Case no. 503 of 2023 (G.R. no.3128 of 2023) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Aurangabad.

**(Partha Sarthy, J)**

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