

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38751 of 2024

Arising Out of PS. Case No.-106 Year-2024 Thana- BIHAR District- Nalanda

Sudarshan Kumar (Male), aged about 18 years, S/O Sunil Kumar, Resident of Village-Bajitpur, Police Station-Shahpur, District Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party : Mr. Raj Kishor Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 01-07-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Bihar Sharif (Bihar) P.S. Case No. 106 of 2024 dated 08.02.2024 registered for the offences punishable under Sections 417, 418, 419, 420, 120B and 34 of the I.P.C.

3. As per the prosecution case, on 07.02.2024, during the course of patrolling duty, the informant along with police party got secret information that the petitioner is standing near the ATM of HDFC Bank in suspicious condition at Itwaribazar and trying to withdraw the cash with fake ATM, reached there and he was apprehended and from his possession, ATM Cards of different banks, one Mobile phone of Realme Company inserted



with JIO and Airtel SIM, Rs. 10,000/- in cash were recovered. No explanation has been given by the petitioner in this regard. It is further alleged that one laptop of H.P. Company, six bottles of Imperial blue foreign wine, two keypad mobiles, one router, one wireless mouse and a packet of condom of Modem Company were also recovered from the rented room of the petitioner.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that no incriminating article has been recovered from possession of the petitioner. It is further submitted that on the alleged date and time of occurrence, the petitioner was returning from his relative who was ill and the police stopped and later on took him that he was willing to do a transaction from the ATM but from perusal of the F.I.R., it appears that the petitioner was outside the ATM and was not even trying to withdraw anything. It is further submitted that in the F.I.R., the petitioner said to the informant that mobile phone belongs to him but during investigation, the petitioner has not said anything like that and different story was brought in investigation that he has said that mobile belongs to somebody whom he knows. Hence, these two different stories falsify the allegation levelled against the petitioner. No ATM cards were



recovered from possession of the petitioner and if it is taken that the recovery has been made from his possession, his statement is there in which he said that the ATM Card has been given to him by his uncle Niraj Kumar for withdrawing the money. It is further submitted that Sohsarai P.S. Case No. 33 of 2024 under Section 30(a) of the Bihar Prohibition and Excise Act has been registered against the petitioner and in which the allegation has been levelled against him is exactly identical word to word to the allegation made in the present case. It is further submitted that two cases have been lodged for the same offence only to ruin the bright future of the petitioner as he is a student of K.K. University pursuing his Diploma Course in Electrical Stream from School of Engineering and Technology. There is no compliance of Section 100 of the Cr.P.C. The petitioner has one criminal antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 09.02.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of



the like amount each to the satisfaction of learned C.J.M.,
Nalanda in connection with Biharsharif (Bihar) P.S. Case No.
106 of 2024 with further conditions:-

- (I) The petitioner is directed to remain
physically present before the learned court
below on each and every date, failing which
on two consecutive dates without reasonable
cause, the bail bonds of the petitioner are
liable to be cancelled.
2. The court below shall verify the criminal
antecedent of the petitioner and at any stage,
if it is found that the petitioner has concealed
his criminal antecedent, the court below shall
take steps for cancellation of bail bond of the
petitioner. However, the acceptance of the
bail bond in terms of the above mentioned
order shall not be delayed for the purpose of
or in the name of the verification.
7. The application stands allowed.

(Chandra Prakash Singh, J)

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