

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60404 of 2024

Arising Out of PS. Case No.-319 Year-2024 Thana- BHAGWAN BAZAR District- Saran

Ravi Kumar Son of Jhingur Manjhi @ Singur Manjhi @ Zigur Manjhi R/O
Dahiyawan Tola, P.S.- Chapra Town, Dist.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Koshalendra Rai, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 26-10-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Bhagwan Bazar P.S. Case No. 319 of 2024,
registered for the offence punishable under Sections 420, 414
and 379 of the Indian Penal Code.

3. In course of patrolling, the police on suspicion
intercepted three persons. However, all of them tried to flee
away. But, later on, the petitioner was apprehended. On search,
25 ATM cards of different bank of different people were found
along with one touch screen mobile.

4. Learned Advocate for the petitioner drawing the
attention to the FIR primarily contended that the petitioner was
apprehended from a public place, but surprisingly, the witnesses



are none else but the police personnel and, as such, it smacks *mala fide*. It is further contended that the co-accused person, who succeeded in fleeing away, in fact, in course of fleeing has thrown all the ATM cards, but the police has shown the recovery from the possession of the petitioner. It is next contended that there is no complaint by any of the ATM card holders that any amount has been withdrawn from their accounts. There is complete denial of the recovery of the ATM from the possession. It is lastly contended that the offences as alleged in the FIR are triable by the Magistrate and now the petitioner has been incarcerated since 24.06.2024. The investigation of the crime is complete and the charge-sheet has been submitted.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the recovery of 25 ATM cards fairly suggest that the petitioner is involved in fraudulent withdrawal of money from duplicate ATM cards, apart from the fact that the petitioner also bears one criminal antecedent, as has been disclosed in paragraph no. 3 of the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that investigation



of the crime is complete and the charge-sheet has been submitted, coupled with the infirmities in the search and seizure, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Chapra in connection with Bhagwan Bazar P.S. Case No. 319 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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