

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62673 of 2023

Arising Out of PS. Case No.-72 Year-2018 Thana- HISUWA District- Nawada

Hira Mahto @ Hira Mahato Son of Nathun Mahto @ Nathuni Mahto R/O Vill
- Kokahi, P.S. - Hasanpur, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Prakash Singh, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

6 02-04-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Hisua
P.S. Case No. 72 of 2018 instituted for the offences under
Section 420 of the Indian Penal Code but, after investigation,
the police has submitted charge sheet for offence under Section
420 and 120(B) of the Indian Penal Code and Section 66 of the
Information Technology Act.

3. The allegation against the petitioner is of
transferring an amount of Rs. 80,000/- by way of changing the
ATM Card of the Informant. It is further alleged that the
petitioner has also withdrawn Rs. 1,30,160.48/- from other
branches. Thus, in total, the petitioner has transferred/withdrawn



Rs. 2,10,160.48/- from the account of the Informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He submits that on the alleged date of occurrence, the petitioner was not available at Hisua and, thus, has not used the ATM Card as alleged in the F.I.R. He further submits that there is no proof that the petitioner had gone at the same ATM Machine situated near Bagodar Market from where the money was transferred/withdrawn from the account of the Informant. The petitioner has never met with the Informant in the same ATM. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner is languishing in judicial custody since 22.08.2022 and the charge-sheet after investigation has been submitted in this case.

5. On the other hand, the learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Pursuant to the order of this Court, the court below has sent its report dated 27.01.2024 stating therein that till today,



two witnesses have been examined and three charge sheeted witnesses remain to be examined and the next date in this case is on 31.01.2024. It has also been stated that the case would be concluded within three months.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the report sent by the court below, this Court is not inclined to grant bail to the petitioner at this stage.

8. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously preferably within a period of two months from today.

9. If the trial is not concluded within the aforesaid period of two months, the petitioner will be at liberty to renew his prayer for bail before the court below which will be disposed of on its merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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