

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1289 of 2025

Arising Out of PS. Case No.-257 Year-2024 Thana- KOTWA District- East Champaran

Gautam Kumar S/o- Bhikhari Sahani Village PS- Kanti District-Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Adv.
Mr. Rakesh Kumar Sharma, Adv.
For the Opposite Party/s : Mr. Narsingh Tanti, APP
For the Informant : Mr. Uday Kumar, Adv.

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

ORAL ORDER

2 21-01-2025 Heard Mr. Ramakant Sharma, learned senior counsel
for the petitioner and learned APP for the State as also learned
counsel for the Informant.

2. The petitioner seeks bail in connection with Kotwa
P.S. Case No. 257 of 2024 instituted for the offences under
Sections 318(4), 338, 336(3), 340(2), 3(5), 317(2) of the B.N.S.

3. As per prosecution case, the accusation against the
accused persons including the petitioner is of engaged in
fraudulent activities at bank ATM Centres. It is alleged that the
petitioners are accused of deceiving innocent people by
obtaining their real ATM cards and PIN codes, providing fake
cards in return and, subsequently, withdrawing money
unlawfully.



3.1 It is alleged that the police has recovered one mobile and two ATM Cards without name, one of HDFC Bank and another of Allahabad Bank. On query, he told that both the ATMs were fake. The police has also recovered one mobile and two fake ATMs of PNB from the co-accused Hemant Kumar.

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 merely on the basis of suspicion. It is further submitted that there is no signature of the petitioner in the production cum seizure list. The petitioner is the bonafide owner of the motorcycle bearing Regd. No. BR06BR0593. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged occurrence. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has four criminal antecedents and is languishing in judicial custody since 20.09.2024 without any rhymes or reason.

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



6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kotwa P.S. Case No. 257 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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