

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3153 of 2025

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

Sanyog Kumar @ Sanjog Kumar S/O Ramnath Sahani Resident of Badha Bharti, P.S- Minapur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Rathore, Adv.

For the Opposite Party/s : Mr.Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 28-01-2025 Heard learned counsel for the petitioner and learned APP for the State.

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., 2023

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 two ATM Cards and two mobiles from each of the arrested persons namely Hemant Kumar and Gautam Kumar. On query, the apprehended persons told that the ATMs were fake. The alleged motorcycle was also seized by the police.

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 high-handedness of the police/informant. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The name of the petitioner has transpired in this case on the basis of the confessional statement of the co-accused Hemant Kumar and Gautam Kumar before the police which has no evidentiary value. The petitioner has no concern with the alleged ATMs card or the other seized articles. 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 three criminal antecedents and is languishing in judicial custody since 04.12.2024 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Gautam Kumar has been granted



bail by this Court vide order dated 21.01.2025 passed in Cr. Misc. No. 1289 of 2025.

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

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner as also the prayer for bail being based on parity, 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.

(Rudra Prakash Mishra, J)

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