

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52263 of 2026

Arising Out of PS. Case No.-497 Year-2026 Thana- BIHTA District- Patna

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Hariom S/O Nandu Das R/O Village- Kishunpur, P.S- Kako, Distt.-
Jehanabad, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Aditya Mishra, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-07-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Bihta P.S. Case No. 497 of 2026, registered for the offences under Sections 303(2), 317(2), 318(4) of the BNS.

3. As per the prosecution case, due to suspicious activities of this petitioner near an ATM, he was apprehended by the police party. On search of the petitioner, a mobile phone, an ATM card and a FeviKwik packet were recovered and seized. The petitioner also disclosed his *modus operandi* about withdrawing money from the ATM using FeviKwik.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. Nothing incriminating has been



recovered from person or possession of the petitioner. Search and seizure has not been made in presence of any independent witness. Though recovery of an ATM card of one Shravan Kumar has been shown from this petitioner, there is no statement from the said Shravan Kumar asserting that his card was stolen, cloned or fraudulently taken by the petitioner. Learned counsel further submits that no bank customer or account holder has lodged any complaint or FIR alleging any financial fraud, unauthorized withdrawal or cheating by the petitioner. The whole prosecution story is based on suspicion. The confessional statement of the petitioner or any person could not have any significance as such confession lacks evidentiary value. The petitioner has antecedent of one case and he is in custody since 20.05.2026.

5. Learned APP appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that no recovery of any incriminating article or money has been shown from the petitioner and also considering his period of custody, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand



Only) each with two sureties of the like amount each to the satisfaction of learned ACJM-II, Danapur/concerned court, in connection with Bihta P.S. Case No. 497 of 2026, subject to the condition laid down under Section 480(3) of the BNSS and other following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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