

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6409 of 2015

Arising Out of PS.Case No. -193 Year- 2014 Thana -BIHARSHARIF District- NALANDA
(BIHARSHARIFF)

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1. Harballabh Prasad Singh Son of Late Ram Gulam Singh Resident of
village - Chhatiana, P.S. Harnaut, District - Nalanda at Present Mohalla -
Naisarai, P.S. Bihar, District - Nalanda

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Prakash, appellant

For the Opposite Party/s : Mr. Ajay Kr. Jha (APP)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 27-04-2015 Heard learned counsel for the petitioner as well as
learned APP for the State.

Petitioner happens to be father of one Shakti Singh who
is a friend of Ravi Raj, son of informant. It has been alleged that
informant had entrusted Ravi Raj to withdraw money through
ATM Card. As her son failed to withdraw the amount at local
level, on account thereof, he had gone to Bihar-sharif where he
met with Shakti Singh and had gone to his place where he met
with the petitioner. It has also been disclosed that petitioner had
told her son that for the present, ATM is closed, so the ATM Card
and its pin code be disclosed to his son, Shakti Singh who, after
withdrawing the money will keep the same which, he could get
after some time. Accordingly, her son gave ATM Card and also
disclosed the pin code. After some time, when he came back, he
was informed by the petitioner that Shakti Singh had gone to



Patna. Then her son contacted Shakti over mobile who disclosed that after returning from Patna, he will hand over the money as well as ATM Card. It has also been disclosed by her that her son, out of fear, did not say anything and informed her that the ATM Card still remains with him. When informant had gone to take statement of her account, then it was a shocking affair for her knowing the fact that Rs. 9,43,544/- has been withdrawn from her account through ATM. She immediately, returned back and inquired from her son who disclosed the event and further disclosed that whenever he contacted Shakti Singh, he scolded him as well as also disclosed his presence to be in Delhi. She had also gone to the place of Shakti but could not trace him out.

Contention on behalf of petitioner is that there happens to be no allegation attributed to him, on account thereof, he is entitled for anticipatory bail. It has also been submitted that from perusal of the case diary, it is apparent that Investigating Officer could not succeed in getting concrete material against the petitioner, nor any of the witnesses had pin pointed out against the petitioner. Also submitted that for the misdeeds having been committed by son of the petitioner, petitioner cannot be punished.

It has further been submitted that the instant case has been filed after 1 and a ½ months from the date on which the informant's son met with Shakti Singh without any proper

explanation.

On the other hand, learned APP opposed the prayer.

From perusal of the case diary which happens to be of dated 19.06.2014, presence of Shakti Singh was there. ATM Card has not been seized during course of investigation that from the possession of Shakti Singh or from the place. It is also evident that Ravi Raj as well as Shakti Singh happen to be adolescents, apart from the fact that they were close friends. From the written report itself, it is apparent that it was the petitioner who had instructed Ravi Raj to handover ATM as well as to disclose the pin code to Shakti Singh which he did and that happens to be the statement of Ravi Raj recorded under paragraph-9. That being so, petitioner is the person who, on account of adolescence of Ravi Raj as well as having intimacy being father of Shakti Singh had influenced and that ultimately, cost the prosecution.

That being so, I do not see it a fit case for grant of anticipatory bail. Hence the same is rejected.

The observations made above will not prejudice the interest of the petitioner during course of appreciation of regular bail.

(Aditya Kumar Trivedi, J)

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