

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.49763 of 2014**

Arising Out of PS.Case No. -55 Year- 2012 Thana -CHAPRA CITY District- SARAN

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1. Nishikant Sah @ Nishikant Saw son of Sri Ganesh Sah @ Ganesh Prasad. Resident of Mohalla - Dahiyawa Tola , P.s. Chapra Town , Distt-Saran.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. U.L.Verma(App)

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      30-04-2015      The petitioner is apprehending his arrest in connection with Chapra Town P.S.Case No. 55 of 2012 instituted under Sections 420 and 379 of the Indian Penal Code.

Heard learned counsel for the petitioner and the State.

The prosecution case, in brief, is that while the informant had gone to draw money through ATM card in the name of her husband , she was not aware of the system of operating the ATM card and, hence she sought the help from a person present at ATM booth who took her ATM card and withdrew Rs. 16,000/- and handed over the same to her. She returned to her house and when she again went at ATM booth to draw money, she found that her ATM card was changed and in place of that another ATM card of one Ashok Kumar was given to her by that unknown person.

It has been submitted on behalf of the petitioner that the petitioner has falsely been implicated in this case out of mistake of fact and, in fact, the petitioner had gone to ATM centre for withdrawal of own money.

On behalf of the State, it has been submitted that in course of investigation the name of the petitioner has figured in the present case on the basis of footage of CCTV, which was fixed in the ATM centre.

Considering the aforesaid facts, let the above named petitioner, in the event of his arrest/surrender in the court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Saran, Chapra in connection with Chapra Town P.S. Case No. 55 of 2012, subject to the conditions, as laid down u/s 438(2) Cr.P.C. The petitioner shall deposit an amount of Rs. 10,000/- (ten thousand) in the court below, which shall be subject matter of final disposal of the case.

**(Sudhir Singh, J)**

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