

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27397 of 2016

Arising Out of PS.Case No. -344 Year- 2012 Thana -LAHERIASARAI District- DARBHANGA

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ABHIMANYU KUMAR SINGH @ ABHIMANYU KUMAR S/o Ram
Sundar Singh Resident of Village- Maksudpur, PO Basantpur Bangla, PS
Amnour, District Saran.

.... Petitioner

Versus

1. The State of Bihar
2. Umesh Ram S/o late Bhuttu Ram Resident of Village- Pidari, PO
Kusheshwar , PS Bahadurpur District Darbhanga.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Saket Tiwary, Advocate
For the Opposite Parties : Mr. Sri Ahmad Ali, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-07-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Laheriya Sarai P.S. Case No. 344 of 2012 for the offences
instituted under Sections 406 and 420 of the Indian Penal Code.

As per the prosecution case, it is alleged by the
informant that informant withdrawing money from HDFC ATM
counter situated at Mohalla Balbhadrapur two unknown persons
entered in side the ATM with ATM card of the informant was not
functioning. The person who entered in side the ATM changed his
ATM Card fraudulently which informant did not pay heed.
Thereafter informant returned home and believed that his ATM

card has been changed and subsequently on verification, the informant came to know that altogether Rs.30,000/- has been withdrawn in four instalments from his bank.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. He has been made accused due to mistake of fact. There is no substantive evidence to implicate the petitioner in the present case. It is further submitted that the petitioner is ready to deposit an amount of Rs.30,000/- in the court below which is alleged to have been withdrawn by him. The said deposit shall be subject to the final disposal of the case.

On behalf of the State, it has been submitted that the petitioner is not named in the F.I.R. and his name has come in course of the investigation.

Considering the aforesaid facts and circumstances, it is directed that the petitioner shall deposit an amount of Rs.30,000/- in the court below which shall be subject to the final disposal of the case and on doing so, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with **Laheriya Sarai P.S. Case No. 344 of 2012** on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned

CJM, Darbhanga, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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