

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.264 of 2016

Arising Out of PS.Case No. -566 Year- 2014 Thana -SHASTRINAGAR District- PATNA

Priya Ranjan Kumar, son of Late Maheshwar Prasad, resident of Bagdulhan, P.S.- Town, Hazipur, District- Vaishali

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner : Mr. Priyank Deepak, Advocate
Mr. Md. Naseem Mukhtar, Advocate
For the State : Mr. Umesh Lal Verma,(APP)
For the Informant : Mr. Vijay Kumar, Advocate

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

8 18-10-2016 Heard learned counsel for the petitioner and the learned counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection with Shashtri Nagar P.S. Case No.566 of 2014 for allegedly having committed the offence under Sections 420, 379 and 506/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the entire case against the petitioner is false and mischievous and that only because the petitioner is the brother-in-law of the land owner of the informant and he ordered to evict the informant, the petitioner has been roped in with false and mischievous charge alleging that four ATMs cards were stolen from the drawer of the informant by the petitioner and several transactions were gone into by him and his son. Learned

counsel for the petitioner further submits that perusal of the Bank statement of the informant itself reveals that the informant had indulged in clandestine activities and had been taking money from various sources for getting the wards of such persons admitted in such institution located at Tamil Nadu. It is for this reason, that now the petitioner, who is a student, is being implicated in connection with the present case.

Learned counsel appearing on behalf of informant has seriously contested the matter and submitted that the petitioner was a trusted person of the informant and he had access to his room and drawer and for that reason the informant never suspected that such ATM cards, which had disappeared from his drawer, were being used by the present petitioner in making transactions and purchases. It is only after such discovery, that the present F.I.R. has been lodged in which the petitioner is now evading his arrest.

Learned counsel appearing on behalf of the State has perused the case diary in which it appears that certain transactions were made and withdrawals had also been made from the ATM cards. However, there is no further cogent material on the record to indicate that this petitioner had, in fact, stolen the ATM cards and the cards were being used by him alone. The receipt, which has been filed showing purchase of

mobile phone, cannot also conclusively reveal that the petitioner had stolen the ATM cards as it is the contention of the petitioner that the informant used to visit him at Tamil Nadu under instructions from the brother-in-law of the landlord of the informant.

Considering all the facts and circumstances of the case and in view of the fact that there is no clear material on record to indicate that the petitioner was in any way responsible for the disappearance of ATM cards and that there was also no such complaint filed by the informant either before the Bank or any authority, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of ₹10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Smt. Indrani Kisku, learned Judicial Magistrate, 1st Class, Patna, in connection with Shashtri Nagar P.S. Case No.566 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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