

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.42215 of 2017**

Arising Out of PS.Case No. -241 Year- 2017 Thana -SIWAN CITY District- SIWAN

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Anand Chauhan, Son of Hiralal Chauhan @ Birbal Chauhan, Resident of  
Village Anuwar, P.S.- Mohamadabad District- Mau (U.P.).

.... .... Petitioner/s

Versus

The State of Bihar.

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

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**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Ram Priya Saran Singh, APP

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

2      21-09-2017                      Heard learned counsel for the petitioner and the  
  
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since  
07.05.2017 in connection with Siwan (Town) P.S. Case No. 241 of  
2017 registered for the offence punishable under Sections 420,  
467, 468, 471 and 120(B) of the Indian Penal Code.

The prosecution case, as lodged by the informant, is  
that while he went to withdraw money from ATM of ICICI Bank,  
one person tried to assist him. He took the ATM card of the  
informant and on getting to know the balance, returned another  
ATM card to the informant. The said accused person having  
changed the ATM card tried to flee away along with three persons,  
but two persons, including the petitioner were apprehended by the



police and from the possession of the petitioner one ATM card, mobile and SIMS of various companies were recovered. The informant alleged that Rs. 75023/- was withdrawn from his account.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and nothing has been recovered from his conscious possession. In fact, two co-accused who had fled away, must have taken the money and for which petitioner has been falsely implicated. He submits that no Test Identification Parade has been done so far and it is only on the basis of suspicion that the petitioner has been made accused. He further submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the petitioner has been found with one ATM card and Rs. 2500/-.

Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with



Siwan (Town) P.S. Case No. 241 of 2017, subject to the condition that one of the bailors would be a close relative of the petitioner and that if, in future, petitioner indulges in an offence of similar nature, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

**(Nilu Agrawal, J.)**

Arjun/-

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