

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45588 of 2017

Arising Out of PS.Case No. -33 Year- 2016 Thana -RAMGARHWA District-
EASTCHAMPARAN(MOTIHARI)

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Brajesh Kumar Yadav Son of Rajendra Prasad Yadav, Resident of Village-
Pachbhirwa, P.O. Pajiyarwa, P.S. Sugauli, District East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. State Bank of India through Ramawatar Chaudhary son of late bangali Chaudhary, Branch Manager State Bank of India Ramgadhwa, Ward No. 26, Bhartiya Nagar Saharsa

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hemant Kumar Sharan

For the Opposite Party/s : Mr. Sri Lakshmi Kant Sharma

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 21-11-2017 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the State Bank of India.

Petitioner is languishing in judicial custody since
17.07.2017 in connection with Ramgarhwa P.S. Case No. 33 of
2016 for offences punishable under Section 406 of the Indian
Penal Code.

The prosecution case, as lodged by the Branch
Manager, State Bank of India ADB, Ramgarhwa, is that the
petitioner has withdrawn Rs. 1,39,000/- from the account of one
Braj Kishore Yadav taking advantage of similarity in the name,



which was asked to be returned but has not yet been returned.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and since the amount has already been spent in purchase of mobile set and motorcycle he is ready to deposit the said amount in installment.

Learned counsel for the State Bank of India submits that the petitioner has impersonated Braj Kishore Yadav taking advantage of the similarity of the name and withdrawn Rs. 1,39,000/- from his account.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged 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 Sub-Divisional Judicial Magistrate, Raxaul at Motihari, District-East Champaran in connection with Ramgarhwa P.S. Case No. 33 of 2016, subject to the conditions that;

- (1) Petitioner will deposit 50% of the amount to Rs. 1,39,000/- at the time of filing of his bail bonds and rest will deposit within two months thereafter.



(2) If the petitioner does not deposit the entire amount within the said period, the bail bonds of the petitioner will be liable to be cancelled.

(Nilu Agrawal, J)

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