

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31165 of 2017

Arising Out of PS.Case No. -30173 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Gayatri Sharma, W/o Shri Rajeshwar Pandey,
 2. Rajeshwar Pandey @ Rajeshwar Sharma, S/o Shri Sugriv Pandey, Both resident of Mohalla- China Kothi, Lodipur, P.S.- Budha Colony, Town & District- Patna (Bihar).
 3. Ajit Kumar, son of Late Jai Singh @ Rajeshwar Pandey (Wrongly stated) resident of Village- Bambhai, P.S.- Karpi, District- Arwal (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Raj Kumar Rajesh, S/o Late Damodar Raut, resident of Village- Budhaura, P.S.- Alauli, District- Khagaria at present residing at Mohalla & P.S.- Beur, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sushil Kumar Singh

For the Opposite Party/s : Mrs. Asha Devi

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

3 20-07-2017 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with a case registered for the offences punishable under Sections 379/420/467/468/471 and 120B of the Indian Penal Code.

Learned counsel for the petitioners submits that under peculiar circumstances, the present petitioners have been implicated in connection with the present case. It is submitted that the petitioner's ATM card was surreptitiously exchanged by some one on 17.09.2012 and, thereafter, certain transactions were made wherein one Raj Kumar Rajesh had deposited some amount in his account and had also withdrawn the same by means of ATM card



of the petitioner. Learned counsel for the petitioners submits that the same was noticed by him on 08.11.2012 whereafter he filed a complaint with the Gandhi Maidan Police Station on 12.11.2012. Thereafter, the Inspector of Police, Gandhi Maidan Police Station wrote to the State Bank of India where a report was sent that the ATM card which was exchanged and in possession with the present petitioner was, in fact, belonging to one Pramod Ranjan of Jhansi, Uttar Pradesh (Annexure-5). It was further submitted by learned counsel for the petitioner that vide his letter dated 11.12.2012, the petitioner had clearly submitted all the facts that how the transactions were taking place and amounts were being deposited in his account by the said Raj Kumar Rajesh which was not his money. Learned counsel for the petitioners thus submits that his implication in connection with the present case filed by the Raj Kumar Rajesh is wholly uncalled for and, in fact, he is the victim of the illegal acts of the said informant and is being unduly harassed for his implication in connection with the allegations made in the present First Information Report.

I have heard learned counsel for the petitioners and after perusal of the materials on record, this Court is satisfied that the petitioners have no role to play rather they are in all probabilities victimized on account of certain false allegations made against them.



In view of the aforementioned facts and circumstances and that these petitioners have no criminal antecedent, let the petitioners above named, in the event of their arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Patna, in connection with Comp. Case No. 30173(C)/2014, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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