

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1171 of 2018

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Akash Kumar S/o Kamal Sah, Resident of Village-Kanti Ward no. 9, P.S.-
Kanti, District-Muzaaffarpur. Petitioner.

Versus

The State of Bihar Opposite Party.

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar

For the Opposite Party/s : Mr. Amitesh Kumar

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

02 10-01-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Laheriasarai P.S. Case
No. 138 of 2017 registered under Sections 420, 467, 468 and 47 of
the Indian Penal Code.

As per the prosecution case, the petitioner and one
another accused were standing behind the informant in ATM kiosk
and in course of withdrawing money changed her ATM Card and
transferred Rs.52,959.66 paisa from her account in the account of
Chandra Mohan Jha and Minnat Khatoon.

It is submitted by learned counsel for the petitioner
that the petitioner has been falsely implicated in this case. The
allegation levelled against the petitioner is not specific rather
general and omnibus in nature. He has no concern with the
aforesaid occurrence. The petitioner is neither named in the F.I.R.



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nor he was apprehended on the spot. No incriminating article has been recovered from his conscious physical possession. He has been remanded in this case merely on suspicion from Darbhanga Town P.S. Case No.114 of 2017. He is not the beneficiary of the aforesaid amount as the said amount was deposited in the account of Chandra Mohan Jha and Minnat Khatoon and he has no concern with the aforesaid account holders. Simply ATM card cannot be used for transferring/withdrawing the amount from an account without knowing the secret PIN code number and petitioner is not aware of the PIN code number of the informant. The petitioner has been languishing in custody since 01.12.2017.

In the facts and circumstances of the case, the above named petitioner is directed to 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 the learned Chief Judicial Magistrate, Darbhanga in connection with Laheriasarai P.S. Case No.138 of 2017.

(Prakash Chandra Jaiswal, J)

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