

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63381 of 2018

Arising Out of PS. Case No.-405 Year-2015 Thana- MADHUBANI TOWN District-
Madhubani

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Md. Harun Son of Md. Khalil Resident of Village- Dharhara, P.S. Raghapur,
Distt.-Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amar Nath Yadav

For the Opposite Party/s : Mr. Sri Kumar Virendra Narayan

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 11-12-2018 Heard the learned counsel for the petitioner and
the State.

The petitioner seeks bail in anticipation of his arrest in connection with Madhubani Town P.S. Case No. 405 of 2015 dated 06.09.2015 instituted for the offences under Sections 406 and 420 of the Indian Penal Code.

The informant wanted to withdraw money from the ATM centre and for the aforesaid purpose, he sought help of the Bank Guard. The Guard of the Bank suggested to the informant that he should take help from some persons standing in the queue for withdrawing of money from the ATM. It appears that some exchange of ATM card was done by the aforesaid person who was requested by the informant to withdraw



the money. Later, the informant came to learn that the ATM card which was handed over to him by that stranger was not his, but of the petitioner. It was again later found out that approximately Rs. 26000/- was withdrawn from his account. However on his complaint, the bank blocked the ATM account of the informant.

Learned counsel appearing for the petitioner has submitted that he himself has been made victim of circumstances. In fact, he also did not know how to operate the ATM card and for the aforesaid purpose, he was also asked to take help from the same person who was approached by the informant. He withdrew money from the account of the petitioner as also from that of the informant and thereafter ran away. Had it not been the case, the petitioner would not have handed over his ATM card to the informant for him to be immediately traced and arrested.

Considering the aforesaid facts as also taking into account that the petitioner does not have criminal antecedent, he is directed to be released on bail, 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, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to



the satisfaction of the learned Chief Judicial Magistrate,
Madhubani in connection with Madhubani Town P.S.
Case No. 405 of 2015, subject to the conditions as laid
down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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