IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10759 of 2018

Arising Out of PS.Case No. -1155 Year- 2017 Thana -SASARAM NAGAR District- SASARAM (ROHTAS)

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1. Nirmala Singh, Wife of Late Ishwar Dayal Singh,
2. Ashutosh Kumar Singh, Son of Late Ishwar Dayal Singh,

Both residents of Nirmala Bhawan, Gaurakshni, P.S.- Sasaram (Town), District- Rohtas.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikramdeo Singh, Advocate
Mr. Sadanand Roy, Advocate.

For the informant : Mr. Bajrangi Lal, Advocate.

For the Opposite Party/s : Mr. Bharat Bhushan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3 29-03-2018 Heard learned counsel for the petitioner No. 2 and the State.

The anticipatory bail petition on behalf of petitioner No. 1 namely, Nirmala Singh, was earlier dismissed as withdrawn by order dated 27.02.2018.

Counter affidavit filed on behalf of the informant be kept on the record.

The petitioner No. 2 apprehends his arrest in **Sasaram Town P.S. Case No. 1155 of 2017** instituted for the offence under Sections 420, 406, 506, 34, 120(B) of the Indian Penal Code and Section 66 (D) of the I.T. Act.

It is alleged by the informant Rajeshwari Devi that while she was posted as Clerk in Chenari Block, accused Nirmala Singh used to regularly visit her office due to which a cordial relation was developed with her. It is further alleged that in the year 2013, Nirmala Singh (petitioner No. 1), Santosh Kumar Singh, Ashutosh Kumar Singh (petitioner No. 2) who is son of petitioner No. 1, Seema Singh and Rekha Devi visited the house of the informant and taking her in their confidence, they called upon the informant in their house where they in conspiracy with each other threatened the informant with dire consequences and took her signature on a blank paper and withdrawal form and also snatched her pass book of the Central Bank of India. They further threatened the informant not to disclose to any one otherwise her son will be killed. It is alleged that since the year 2013 to 2017, the petitioner No. 1 used to withdraw her monthly salary from her Bank account at Central Bank of India. It is further alleged that on 4.2.2017 and 18.2.2017, petitioner No. 1 transferred through RTGS some money from her account to the account of her son Ashutosh Kumar Singh (Petitioner No.2). On 11.5.2017 petitioner No. 1 Nirmala Singh withdrew a sum of Rs.65,000/- from her Bank account. Thereafter, the matter was brought to the notice of the Bank by the son of the informant. The accused persons used to threaten her with dire consequences.

Learned counsel for the petitioners has submitted that as per written report the money was being transferred from the salary account of the informant to the account of son of Nirmala Singh (petitioner No. 2) since July, 2013 to May 2017 every month, through RTGS.

Learned counsel for the informant has appeared and filed counter affidavit enclosing therewith Annexure-A to the counter affidavit which is statement of account of the informant. From the statement of account it appears that on 4.2.2017 and 18.2.2017 total amount of Rs.2,02,000/- was transferred through RTGS in the account of petitioner No. 2. The counsel for the informant has also pointed out Annexure-B which is written report filed by the Branch Manager, State Bank of India, Sasaram, which shows that on 31.01.2018 mother of petitioner No. 2 namely, Nirmala Singh (petitioner No.1) has illegally withdrawn money from the account of informant by impersonating as Rajeshwari Devi.

Therefore, this Court is not inclined to grant anticipatory bail to the petitioner No. 2 namely, Ashuthos Kumar Singh.

Prayer for anticipatory bail of the petitioner No. 2

stands rejected.

Petitioner No. 2 may surrender before the court below and make prayer for regular bail.

It is made clear that in the event the petitioner No. 2 surrenders in the court below within a period of eight weeks from the date of receipt of this order and offers to return the amount of Rs.2,02,000/- which has been transferred in the account of petitioner No.2, in that event the court below will pass appropriate order in accordance with law without being prejudiced by this order on the same day. The aforesaid payment made to the informant will be subject to final decision of the case.

(Sanjay Priya, J)

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