

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15960 of 2018

Arising Out of PS.Case No. -180 Year- 2017 Thana -WARISNAGAR District-
SAMASTIPUR

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Lal Babu Purbe, S/o Raghunath Purbe, R/o Mathurapur,
P.S.- Warisnagar (Mathurapur O.P.), District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sujit Kumar Singh, Adv.

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 06-04-2018 The petitioner seeks bail in anticipation of his arrest in connection with Warisnagar (Mathurapur O.P.) P.S. Case No. 180 of 2017, dated 11.08.2017, instituted for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

The petitioner is alleged to have fraudulently obtained the ATM card of the informant and, thereafter, is alleged to have taken away Rs. 12,000/- from the account of the husband of the informant.

The manner in which the ATM card of the informant is alleged to have been taken away by the



petitioner, appears rather surprising. The petitioner is alleged to have been standing behind the informant while she was trying to take out money from the ATM. When she was not successful, the petitioner is said to have told her that he would assist and help her in taking out money. Later, the petitioner, by telling the informant that money cannot be withdrawn on that day, returned one ATM card but that was a different card. Her ATM card was later, as alleged, used for taking out money from the bank account of her husband.

Learned counsel for the petitioner has submitted it is an absurd allegation inasmuch as it has not been stated by the informant that she made any attempt to inquire from the concerned branch of the bank whether the ATM, which she was in possession of (the one which was returned to her by the petitioner), was her card or of somebody else. That apart, merely with an ATM card, money cannot be withdrawn unless the code number is provided. There is nothing on record to suggest that the code number was known to the petitioner for using the ATM card of the informant. The petitioner, on the other hand it has been submitted, is a businessman and in his house, the ATM of Punjab National Bank is located.

It appears, it has been argued, that his sworn enemy has set-up the informant to lodge this false case



against the petitioner.

Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur in connection with Warisnagar (Mathurapur O.P.) P.S. Case No. 180 of 2017.

(Ashutosh Kumar, J)

Praveen-II/-

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