

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11773 of 2018

Arising Out of PS. Case No.-223 Year-2014 Thana- MAHESI District- East Champaran

Anil Sahni @ Anil Kumar Sahani S/o Kailash Sahani @ Kallash Sahani, R/o
Village- Sri Bigaha, P.S.- Shakurabad , District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ambuj Kr. Chandra
For the Opposite Party/s : Mr. Sri Sakir Ahmad

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 11-04-2018 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner apprehends his arrest in Mehasi P.S. case no.
223/14 instituted for the offence under Section(s) 420 and 379
of the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner
has no criminal antecedents. He has been made accused merely
on the basis that his name appeared in the ATM card which was
allegedly changed by some accused persons on 08.10.14 when
the father of the informant had gone to withdraw money from
the ATM. The FIR is against unknown.

In the written report, it is alleged that on 8.10.14 the
father of the informant had gone to ATM to withdraw money
and he took help from one person who changed the ATM card



and gave another ATM to the father of the informant. Thereafter father of the informant returned to his house and on 10.10.14 it was discovered when fresh transaction with ATM was done, that this card stand in the name of Anil Sahni @ Anil Kumar Sahani and the transaction was denied by ATM machine.

Learned counsel for the petitioner has submitted that in the instant case police has not enquired with the Bank after looking into the C C TV footage and other details and merely because the name of Anil Kumar Sahani is mentioned on the card, this petitioner has been made accused in this case.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Mehasi P.S. case no. 223 of 2014, he shall be released on anticipatory 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 CJM, East Champaran, Motihari subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions:(1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by



the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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