

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65512 of 2018

Arising Out of PS. Case No.-95 Year-2018 Thana- ISUAPUR District- Saran

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MADHUSHUDAN RAI @ MAGSUDHAN RAI, Son of Nakalu Rai @
Nakaku Rai, Resident of U.M.V. Lahuri Kuriya,P.S. Basantpur,Distt.-Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shatrughan Pandey
For the Opposite Party/s : Mr. Sri Binod Kumar 3

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 14-12-2018 Heard learned counsel for the parties.

Petitioner is apprehending his arrest in connection with Isuapur PS Case No. 95/2018 for the offence under Sections 379 and 420 of the Indian Penal Code.

Learned counsel appearing for the petitioner submits that allegation against the petitioner is that he utilized ATM card of the informant and withdrawn Rs.54,000/-. It is further submitted that on examination it is found that Rs.19,000/- was also withdrawn from his account. He further submits that he has not withdrawn the amount from the account of the informant rather his money was misappropriated from his account and this can be ascertained from the CCTV camera set at the ATM centre.

Considering that the petitioner has no criminal



antecedent and there is allegation that the amount was transferred from the account of the informant to the account of the petitioner, the Court is inclined to grant anticipatory bail to the petitioner.

Accordingly, this application is allowed with a pre-condition that if any amount was transferred to the account of the petitioner which is not belonged to the petitioner he is under obligation to return the same to the bank within a fortnight from today and furnish a certificate to that extent issued by the bank.

In the event of arrest or surrender before the court below within a period of one month from today with the certificate of the bank to the above extent, the petitioner above named, is directed to be released 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 Sub Divisional Judicial Magistrate, Chapra in connection with Isuapur PS Case No. 95 of 2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Upadhyay, J)

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