IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2187 of 2018

Arising Out of PS.Case No. -97 Year- 2017 Thana -SHRIKRISHNAPURI District- PATNA

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Jitendra Kumar, Son of Late Hardev Prasad aged about 26 years, resident of Chandpur Bela, Anil Bhawan Gali, Mithapur, P.S.- Jakkanpur, District- Patna, presently posted at Axis Bank, Boring Road Branch, P.S.- S.K. Puri, Dist.- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sanjeet Kumar
For the Opposite Party/s : Mr. Sri Mritunjay Kumar Nirala

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 16-01-2018 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

The prosecution case got initiated on the written report dated 08.04.2017 made by the informant Neha Aryan to the SHO, S.K. Puri Police Station is to the effect that the informant at the request of her brother Nishant Aryan who is working in Axis Bank, Boring Branch has opened an account in the said branch. For opening of the account the petitioner

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Jitendra Kumar has collected Pan card, voter I.D., Aadhar and photograph from the petitioner and thereafter the account was opened on 26.02.2016 but no document such as cheque book, ATM card, passbook etc. were not supplied to the informant. However, it is alleged that since the mobile number being 9903986048 was registered in the bank hence, SMS alert used to be used by the informant and on 27.02.2017 last SMS alert was received by the informant showing Rs.7777/- negative balance in her account. Subsequently, the informant came to know that since the mobile number has been changed by this petitioner by substituting mobile no. 7633016269 hence, SMS alert has not come on the mobile of the informant. It is further alleged that the father of the met with an accident and admitted in hospital till 22.03.2017 and during that period the account of the informant was misused and several transactions were made from the bank account informant and informant has apprehension that all the transactions have been made by the petitioner since all the documents are available with him. It is further alleged by the informant earlier she lodged sanaha in the police station and also informed the bank.

It is submitted by learned counsel for the petitioner that the whole accusation has been levelled by the

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informant but till date no action has been taken by the bank for misuse of the account number of the informant. Even from the accusation levelled, no doubt, account was opened in the name of the informant and the informant used to receive SMS alert from the bank on her mobile. From the FIR it does not appear that the bank has taken any action against the petitioner. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the accusation is specific against the petitioner.

Keeping in view the fact that the accusation levelled by the informant has not been verified by the bank, hence, it is difficult to say whether the petitioner has committed forgery with the account of the informant or not and statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Patna –cum- Special Judge, CBI-I, Patna in

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connection with Krishnapuri P.S. Case No. 97 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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