

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68900 of 2018

Arising Out of PS. Case No.-282 Year-2018 Thana- SIWAN CITY District- Siwan

Shamshul Ansari, Son of Yasin Ansari @ Asin Miyan @ Yasin Mian, Resident of Village- Darawe, P.S.- Madhupur, District- Devghar (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey

For the Opposite Party/s : Mr.Sri Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 21-12-2018 Heard learned counsel for the parties.

Petitioner seeks bail in Siwan Town P.S. Case No.282/2018 registered for the offence punishable under Sections 420/379 of the Indian Penal Code and Section 66 of I.T. Act.

Informant has alleged that on 11.05.2018, a mobile call has come on his phone and caller asked him to provide his A.T.M. card number and password so that his gas subsidy can be transferred in his account. Thereafter, he provided the same and after some time three messages flashed on his mobile and Rs.49999/- was withdrawn from his S.B.I. account.

It has been submitted that during the course of investigation, it has come in the knowledge that from the mobile of the petitioner, the call was made to the informant asking him



to give his ATM card number and password and, thereafter, the aforesaid amount has been withdrawn from the informant's account.

Considering the facts and circumstances of the case and also in view of the fact that the mobile of the petitioner was used in the aforesaid incident, I am not inclined to enlarge the petitioner on bail at this stage. Hence, the prayer for bail of the petitioner is hereby rejected.

However, the petitioner may be released on bail **after framing of charges**, upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned C.J.M., Siwan in connection with Siwan Town P.S. Case No. 282/18 with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the 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.

(S. Kumar, J)

Sanjay/-

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