

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33806 of 2018

Arising Out of PS.Case No. -606 Year- 2014 Thana -BIHTA
District- PATNA

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Rahul Kumar S/o Upendra Prasad Sinha @ Upendra Prasad
aged about 26 Years, R/o Vill.- Gangachak, P.S.- Bikaram,
District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kaushal Kishore Sinha

For the Opposite Party/s : Mr. Smt. Gulnar Begam

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 05-07-2018 The petitioner seeks bail in anticipation of his arrest in connection with Bihta P.S. Case No. 606 of 2014 dated 21.08.2014 instituted for the offences under Sections 420, 379 of the Indian Penal Code.

The son of the informant was beguiled into handing over his ATM card for withdrawal of money. The ATM card was exchanged by an unknown person and Rs. 16,000/- was fraudulently withdrawn from the account of the son of the informant. One Pappu Tiwari was later apprehended who disclosed the name of the petitioner.

The learned counsel for the petitioner has submitted that petitioner is not named in the F.I.R. He has further argued that the allegation in the F.I.R appears to be absurd



in as much as the son of the informant handed over his ATM card to an outsider, which was exchanged by another ATM card. There is no statement in the F.I.R as to what had happened to the other ATM card which was given to him by another person. Even from the ATM card of the son of the informant, money could not have been withdrawn, unless the son of the informant/holder of the ATM card would have supplied the password. The allegation appears to be vague. The implication of the petitioner is only on the basis of suspicion and the confession of the co-accused.

Regard being had to the aforestated facts as also that the petitioner does not have any criminal antecedent, he, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today is directed to be released on bail on his 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, Danapur in connection with Bihta P.S. Case No. 606 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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