

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20011 of 2019

Arising Out of PS. Case No.-312 Year-2018 Thana- RAJIVNAGAR District- Patna

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Dilkhush @ Nitish @ Nitish Kumar Son of Sri Ganesh Singh @ Ganesh
Mandal Resident of Jagat Bihar Colony, Ashiana Nagar, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Mishra

For the Opposite Party/s : Mr.Rajiv Nayan

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-04-2019 Heard learned counsels for the petitioner and the

State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 379 and 420 of the
IPC.

The prosecution case, as per the written report of Arvind
Kumar, dated 16.08.2018 submitted to the Station House
Officer, Rajeev Nagar Police Station, is to the effect that from
11.08.2018 to 13.08.2018, the informant, being the maternal
uncle of the petitioner, stayed with him. On 12.08.2018, the
informant along with the petitioner went to the nearby A.T.M



and withdrew Rs. 5,000/-, but the informant forgot to take his A.T.M., card from the petitioner. Subsequently, on 14.08.2018, the informant received a message on his mobile phone that from his bank account, Rs. 40,000/- has been withdrawn.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion, the accusation has been levelled against the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

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

Considering the fact that the impugned order does not suggest that any cogent evidence has been collected against the petitioner that he withdrew money by using A.T.M., card of the informant, coupled with the statement made in paragraph no.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/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 like amount each to the satisfaction of learned Sub-Judge-III-cum-ACJM, Patna in connection with



Rajiv Nagar P.S. Case No. 312 of 2018, subject to the condition
as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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