

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17260 of 2019

Arising Out of PS. Case No.-360 Year-2018 Thana- KHAJANCHI HAT District- Purnia

MUKESH KUMAR, Son of Dusinand Yadav @ Durganand Yadav Resident
of Village - Gunwati, P.S.- Basaithi, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Viveka Nand Singh, Advocate.
For the Opposite Party/s	:	Mr.Ashok Kumar, APP
For the Informant	:	Mr. Madan Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 10-07-2019 The petitioner apprehends his arrest in connection with K.Hat P.S.Case No. 360 of 2018 registered under Sections 120B, 406 and 420 of the Indian Penal Code.

Allegation against the petitioner, as per FIR, is that petitioner, who was looking after the informant, aged about 78 years and her husband aged about 80 years, was living in a lodge in her house at Purnea. It has further been alleged that petitioner became caretaker of the informant and her husband, and taking advantage of trust of the informant, petitioner, on 26.03.2018, clandestinely withdrawn a sum of Rs. 80,000/- from the Bank account of the informant through ATM, however, that amount was deposited by the petitioner upon the pressure put by the informant in four instalments of 20,000/- each. It has also been alleged that ATM card of the informant was stolen behind



the back of her and a sum of Rs. 6 lacs was withdrawn from ATM and other modes in between 14.05.23018 to 19.05.2018 in breach of trust and cheating by the petitioner.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner as alleged and it does not stand to reason that if ATM card of the informant was stolen, she would not complain before the police or inform the concerned bank about the same as such submission is that the allegation against the petitioner is completely without any basis and is concocted.

On the other hand, learned counsel for the informant as well as State submit that informant and her husband are old aged about 78 & 80 years respectively and they are residing alone in their house at Purnea as their children are not living with them and are working somewhere else. The petitioner taking advantage of faith and trust of the informant and her husband, stole ATM card of the informant and as per material collected during course of investigation, as would be evident from the case diary, amount of Rs. 7 lacs was withdrawn by the brother of the petitioner from the ATM at Mumbai. Learned counsel for the informant and the State submit that petitioner, misusing his position and breach of trust imposed upon him by



the informant and her husband, has misappropriated a huge amount of Rs. 7 lacs and odd of old persons.

After having heard learned counsel for the petitioner as well as learned counsel for the informant and the State and taking into consideration the fact that petitioner is named in the FIR and during course of investigation, it has come to light that brother of the petitioner has withdrawn the amount from the account of the informant and there is allegation that ATM card of the informant was stolen by the petitioner taking advantage trust and faith of the informant, as such I am not inclined to grant privilege of anticipatory bail to the petitioner.

Accordingly, prayer for anticipatory bail to the petitioner is hereby rejected.

(Anil Kumar Sinha, J)

sujit/-

U		T	
---	--	---	--

