

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47386 of 2018

Arising Out of PS. Case No.-325 Year-2017 Thana- CHAKIA District- East Champaran

Rakesh Sah, Son of Sakuri Sah, Resident of village - Sarangpur, P.S.-
Kesariya, District East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Smt. Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 02-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

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

It is alleged by the informant that on 30.11.2017, the informant went to A.T.M. of P.N.B., situated at Chakiya to withdraw money. In the meantime, the petitioner on the pretext of assisting the informant, got exchanged the A.T.M. card of the informant and subsequently withdrew Rs. 84,000/- from the account of the informant.

It is submitted by learned counsel for the petitioner that the petitioner has maliciously been roped in the present case. It is further submitted that paragraph no. 25 of the case diary reflects



that one Radha Mohan Kumar, in his confessional statement accepted that he withdrew the said amount from the account of the informant and he was also identified by the CCTV footage of the concerned A.T.M., as stipulated in paragraph no. 28 of the case diary. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP after going through the case diary submits that the CCTV footage, as is stipulated in paragraph no.28 of the case diary suggests that the person who has been detected to have withdrawn money from the A.T.M. is one Radha Mohan Kumar.

Considering the fact that during investigation confessional statement of one Radha Mohan Kumar was recorded, wherein he has accepted to have withdrawn the money from the A.T.M. and that he was also identified which gets reflected from the CCTV footage of the concerned A.T.M., coupled with statement made in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 or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned **13th Additional Chief Judicial**



Magistrate, Motihari, East Champaran in connection with
Chakia P.S. Case No. 325 of 2017 subject to the conditions as
laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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