

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68021 of 2019

Arising Out of PS. Case No.-145 Year-2018 Thana- MAHNAR District- Vaishali

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KAPILDEO RAI S/o Chandradip Ray Resident of Village- Lagurow, P.S.-
Mahua, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vasant Vikas

For the Opposite Party/s : Mr.Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 25-10-2019 This application, for grant of anticipatory bail, arises

out of Manhar P.S. Case No. 145 of 2018, disclosing offences

under Sections 420, 379/34 of the Indian Penal Code.

Allegation as per F.I.R. is that Rs. 6,50,000/- has been

fraudulently withdrawn from the account of the informant and

later on it transpired that the out of the aforesaid amount Rs.

1,10,000/- has also been transferred in the account of the

petitioner.

Submission of learned counsel for the petitioners is

that he is an illiterate persons and has no knowledge about the

same, however, he is ready to return the aforesaid amount of Rs.

1,10,000/- to the informant.

Learned counsel for the State opposed the prayer for

anticipatory bail and submitted that from the F.I.R., it appears



that twice the amount of Rs. Forty Thousand has been transferred in the account of the petitioner and he has withdrawn the same, which shows that petitioner was having the knowledge of transaction and he was hand in glove with the other accused persons.

Having heard both sides, considering the facts and circumstances and as the petitioner is ready to return the amount, this application is disposed of with direction to the petitioner to surrender within four weeks from the date of receipt of this order with a bank draft of Rs. 1,10,000/- in the name of informant and on depositing the same, the court below shall verify the same and, thereafter, the court below shall release the petitioner on bail to his own satisfaction.

Needless to say, if the informant appears and files an application for withdrawal of the amount, the same shall be released in favour of informant with undertaking that the aforesaid amount will be subject to outcome of the case.

(Vinod Kumar Sinha, J)

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