

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75003 of 2019

Arising Out of PS. Case No.-142 Year-2018 Thana- PALIGANJ District- Patna

RAMA KANT SINGH Son of Late Maundrika Singh Resident of Village -
and P.O. - Paliganj, Dist - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pancham Lal Jaiswal

For the Opposite Party/s : Mr.Ramchandra Sahni

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-11-2019 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehend his arrest in connection with
Paliganj P.S. Case No. 142 of 2018 for the offences registered
under Sections 420 and 429 of the Indian Penal Code and Section
66(c) of the I.T. Act.

The allegation according to the informant is that while
she had gone to the Bank A.T.M. and withdrawn a sum of Rs.
10,000/-, a sum of Rs. 28,000/- was transferred from her account
to the account of the petitioner herein in a fraudulent manner.

The learned counsel for the petitioner has submitted that
the petitioner is an old person, aged about 78 years and has not
indulged in any fraudulent transfer of money and in fact his
A.T.M. card was fraudulently exchanged by 2-3 unknown persons
whereafter money has also been withdrawn from his account. The
petitioner is stated to be having a clean antecedent.



This Court had put a query to the learned counsel for the petitioner as to whether the petitioner, for the purposes of grant of anticipatory bail, is at least willing to deposit 50% of the aforesaid loss amount of Rs. 28,000/-, however, the said offer was declined.

Having regard to the facts and circumstances of the case and considering the fact that admittedly the aforesaid amount of money, which does not belong to the petitioner herein, had been transferred into his account as also taking into account the fact that the petitioner is not willing to deposit the said amount, in order to show his bona fide, I am not inclined to grant anticipatory bail to the petitioner herein, hence the present petition stands rejected.

Nonetheless, this Court grants liberty to the petitioner to surrender before the learned Court below and seek regular bail and in the event of the petitioner surrendering before the learned Court below for seeking regular bail, the learned Court below is directed to dispose off the regular bail petition of the petitioner herein on the same day of filing of such petition.

(Mohit Kumar Shah, J)

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