

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11384 of 2020

Arising Out of PS. Case No.-572 Year-2019 Thana- CHAPRA TOWN District- Saran

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Dhiraj Kumar, aged about 20 years, male, Son of Rakesh Yadav, Resident of
Village - Vashunpur, P.S. - Balia, Distt. - Balia (UP)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Kumari Rashmi, Adv.

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 02-03-2020 The petitioner, who is in custody since 04.10.2019,

seeks bail in connection with Town P.S. (Chapra) Case No.

572 of 2019, dated 04.10.2019, instituted for the offences

under Sections 420 and 379 of the Indian Penal Code.

It is alleged that the ATM card of the sister of the

informant was exchanged and fraudulently, Rs. 5,000/- was

withdrawn from her bank account.

It is alleged in the F.I.R. that when the sister of



the informant could not take out money from the bank through her ATM card, help was offered by three of the persons standing outside the ATM centre and in the process, the ATM card was exchanged. The petitioner and another are said to have been caught by the informant and members of public who had assembled at that place. From the possession of the petitioner, ten ATM cards of different names have been recovered.

Learned counsel for the petitioner has submitted that from the perusal of the F.I.R. itself, it would appear that the petitioner has been arrested on mistaken identity. After going away from ATM centre and covering a distance of 10 Kms., the informant and his sister realized that the ATM card has been changed. The narration is that they returned to the place only to find two persons standing who were arrested and the petitioner is one amongst them.

The very sequence of events gives an impression that the petitioner was arrested and in order to lend credence to the story that the petitioner was one of the participants in the occurrence, several ATM cards have been



shown to have been recovered from him.

The petitioner has clean antecedents.

Regard being had to the period of custody of the petitioner and his clean antecedents, he is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District Judge-Xth, Chapra (Saran) in connection with Town P.S. Case No. 572 of 2019.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-
Gaurav/-

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