

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54630 of 2019

Arising Out of PS. Case No.-129 Year-2019 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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SHIV KUMAR Son of Raghubansh Kumar Resident of Village- Bhusara
(Man Tola), P.S.- Gaighat, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nachiketa Jha

For the Opposite Party/s : Mr.Akhileshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 04-03-2020 Heard learned counsels for the petitioner and the

State.

The petitioner is apprehending arrest in a case registered
for the offence punishable under Sections 420 of the IPC.

The prosecution case, as per the written report of Prashant
Kumar submitted to the Station House Officer, Muzaffarpur
Sadar Police Station, is to the effect that while the informant
was withdrawing money from S.B.I. ATM situated at Gobarsahi,
in the meantime, one person wearing a helmet came and started
disturbing him. The informant somehow withdrew the money
and came out of the ATM, but on suspicion, he checked his
account balance and found that Rs. 38,000/- has been
transferred from his bank account to the bank account no.



31086669992, i.e., the bank account of the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner is not responsible for transfer of the informant's money into his bank account and his bank account has been put on hold by the bank itself. It is further submitted that the petitioner is ready to submit an application before the concerned bank to the effect that he is having no objection if the concerned bank transfers the alleged amount from his bank account to the informant's bank account. 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 amount has been transferred from the bank account of the informant to the bank account of the petitioner.

Considering the present stand of the petitioner to the effect that he is ready to revert back the alleged amount to the informant's bank account, coupled with the fact that the petitioner is not having any criminal antecedent, let the above named petitioner be released on provisional anticipatory bail for four months in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two



sureties of like amount each to the satisfaction of learned CJM, Muzaffarpur in connection with Muzaffarpur Sadar, P.S. Case No. 129 of 2019, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

Let the learned Court below issue notice to the concerned bank and on reversal of the alleged amount by the bank from the bank account of the petitioner into the informant's bank account, the provisional bail of the petitioner will be confirmed by the learned Court below.

(Dinesh Kumar Singh, J)

Amrendra/-

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