

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65189 of 2019

Arising Out of PS. Case No.-82 Year-2018 Thana- HASANPUR District- Samastipur

UPENDRA YADAV Son of Kuso Yadav Resident of Village - Anpatti, P.O.-
Sindhoul, P.S.- Ashok Paper Mill, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra
For the Opposite Party/s : Mr.Pancha Nand Pandit

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 05-03-2020 Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 406, 420, 379 and 120B of the IPC.

The prosecution case, as per the written report of Vijay Yadav submitted to the Station House Officer, Hasanpur Police Station, is to the effect that from the bank account of the informant, total Rs. 1,51,000/- was withdrawn and when the informant made an enquiry through the bank officials, he came to know that Rs. 31,000/- was transferred in the bank account of the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner has never been instrumental in transfer or withdrawal



of the said amount from the bank account of the informant. However, the petitioner is a differently abled person and he is ready to return Rs. 31,000/- and to file an application to that effect before the concerned bank. 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 during investigation, it was transpired that from the bank account of the informant, Rs. 31,000/- was fraudulently transferred to the bank account of the petitioner.

Considering the nature of accusation and the present stand of the petitioner to the effect that he is ready to return the said amount which is alleged to have been deposited in his 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 three 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 3rd Additional Chief Judicial Magistrate, Rosera, Samastipur in connection with Hasanpur P.S. Case No. 82 of 2018 subject to the condition as laid down



under Section 438(2) of the Cr. P.C.

The petitioner will file an application before the bank concerned with regard to reversal of the amount, i.e., Rs. 31,000/- which is alleged to have been transferred in his bank account, whereupon the concerned bank will reverse the said amount in the bank account of the informant and on reversal of the said amount, the provisional bail of the petitioner will be confirmed by the learned Court below.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--

