

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67007 of 2019**

Arising Out of PS. Case No.-392 Year-2019 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Lokesh Rai Son of Late Khageshwar Rai
 2. Deepak Rai @ Tinku Rai @ Dipak Kumar Rai Son of Lokesh Rai
Both resident of Village - Sirsa Colony, P.S.- Muffasil, Dist.- East
Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Vikram Deo Singh, Advocate

For the Opposite Party : Mr. Ram Priya Sharan Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

5 25-06-2020 Heard learned counsel for the petitioners as well as

learned Additional Public Prosecutor for the State through video

conferencing.

Petitioners apprehend their arrest in connection with

Muffasil P.S. Case No. 392 of 2019 registered for the offences

punishable under Sections 406, 420/34 of the Indian Penal

Code.

The accusation against the petitioners is that they

having played fraud upon the informant took his AADHAR

Card as well as his thumb impression on plain papers and

having taken AADHAR Card and thumb impression of the

informant on plain papers they fraudulently withdrew huge



amount from the account of the informant.

Learned counsel appearing for the petitioners submits that there is nothing on the record to show who withdrew the amount from the account of the informant. He further submits that as a matter of fact, the informant had taken some money from the petitioners and when the petitioners demanded the aforesaid money, the informant refused to make payment and thereafter, a complaint case was filed against the informant.

Perusal of case diary goes to show that investigating officer, namely, Shidheshwar Yadav did not take pain even to visit and examine the relevant documents of the concerned bank. Furthermore, the perusal of case diary goes to show that the investigating officer met petitioner no. 1 in course of investigation and obtained some documents which are relevant in complaint case but he did not take any step to make enquiry or to arrest the petitioner no. 1. Moreover, in view of the aforesaid fact, it is obvious that up till now, the police officials did not verify the documents of the concerned bank and the investigating officer conducted the investigation in very perfunctory manner. Therefore, in the aforesaid circumstance, I have no option except to grant privilege of anticipatory bail to



petitioners.

Accordingly, this anticipatory bail petition is allowed and it is ordered that petitioners, in the event of their arrest/ surrender within six weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in Muffasil P.S. Case No. 392 of 2019, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

Let a copy of this order be sent to Superintendent of Police, Motihari, East Champaran so that he could know as to how the cases are being conducted by his police officials.

(Hemant Kumar Srivastava, J)

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