

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86612 of 2019

Arising Out of PS. Case No.-47 Year-2018 Thana- GARDANIBAG District- Patna

Raj Kumar Sinha, Son of Late Rajeshwar Prasad Sinha Resident of Mohalla -
Buddha Nagar, Road no.2, Postal Park, Chiraiyatand, P.S.- Kankarbagh,
District - Panta

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
Mr. Suresh Kumar, Advocate
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 19-06-2020 Heard Mr. Yogesh Chandra Verma, learned
senior counsel for the petitioner and Mr. Md. Aslam
Ansari, learned APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Gardanibagh P.S. Case No. 47
of 2018 dated 21.02.2018 instituted for the offences
under Sections 420 and 379 of the Indian Penal Code.

The sum and substance of the allegation in
the FIR is that the informant received a telephone call
with an intimation that approximately Rs. 40,000/- has
been withdrawn from his account and deposited in the
account of the petitioner.

Mr. Verma, learned Senior Advocate has
submitted that aforesaid amount was again debited from



the account of the petitioner. In fact, the petitioner has been made victim of the circumstances. Huge amount of money stands debited from the account of the petitioner also. Somebody has played fraud and the account number of the petitioner has been misused. The ATM Card of the petitioner also is missing for which necessary application has been made before the police authorities.

Though this case has been registered in the year 2018 but on being questioned about the urgency and the necessity of filing the petition now, Mr. Verma submits that after the institution of the case, the petitioner had moved before the court below for grant of anticipatory bail. Before the court below, the petitioner was granted interim relief. The application for anticipatory bail was ultimately rejected by the court below in the month of November, 2019. In the present petition, interim order was given to the petitioner *vide* order dated 24.02.2020.

Considering the nature of accusation against the petitioner and other attendant facts, the petitioner is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned Sub-Judge-XIV-cum-Additional Chief Judicial Magistrate, Patna in connection with Gardanibagh P.S. Case No. 47 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

However, it is made clear that the petitioner shall participate in the investigation and shall provide all assistance to the investigating agency to track down the real culprit. On his failure to do so, it would be open for the State to seek cancellation of anticipatory bail of the petitioner.

(Ashutosh Kumar, J)

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