

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10401 of 2020

Arising Out of PS. Case No.-145 Year-2019 Thana- PHULPARAS District- Madhubani

RAMJIWAN PASWAN, S/o Late Jiya Lal Paswan Resident of Village-
Mahdaiy, P.S.-Benipur, District-Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate

For the Opposite Party/s : Mr. Amit Kumar Rakesh, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 19-02-2021 Heard Mr. Ratanakar Jha learned Counsel for the

petitioner and Mr. Amit Kumar Rakesh, learned Additional

Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Phulparas Police Station Case No. 145 of 2019,
disclosing offences under Sections 420 and 379 of the Indian
Penal Code.

The allegation as per the First Information Report
is that the petitioner, using the debit card of the informant,
transferred a sum of Rs.40,000/- in the bank account of his
daughter.

Learned counsel for the petitioner submits that the
petitioner has not committed any offence in the manner alleged
and he has falsely been implicated in the present case. Learned



counsel next submits that the petitioner has got no criminal antecedent and he is co-villager of the informant. He next submits that there is no likelihood that the petitioner will abscond or tamper with the evidence, if he is released on bail.

On the other hand, learned Additional Public Prosecutor submits that the petitioner cleverly took the ATM card of the informant and transferred a sum of Rs.40,000/- from the bank account of informant in the bank account of his daughter, namely, Shyama Kumari.

Having regard to the submissions made by the parties and taking into consideration the material on record, the nature of allegation and the finding arrived at by learned Additional Sessions Judge, Jhanjharpur in the impugned order, I am inclined to grant the petitioner privilege of anticipatory bail, subject to the condition that the petitioner will deposit a sum of Rs.40,000/- in the Court below by way of bank draft and the amount, so deposited by the petitioner, shall be kept by the learned Court below in interest generating account / instrument with any nationalized bank.

It is made clear that amount so deposited by the petitioner will be without prejudice to his rights and contentions and shall also be subject to the final outcome of the trial.



Accordingly, the petitioner, Ramjiwan Paswan, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IInd, Jhanjharpur, in connection with Phulparas Police Station Case No. 145 of 2019, corresponding to G.R. No.651 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure as well as the further condition imposed hereinabove.

It is clarified that the petitioner will deposit the bank draft of Rs.40,000/- while furnishing bail bond.

(Anil Kumar Sinha, J)

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