

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36486 of 2021**

Arising Out of PS. Case No.-937 Year-2014 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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SANTOSH KUIMAR Son of Shidhnath Prasad Bind R/o Village- Lohara,
P.S.- Chainpur, District- Kaimur at Bhabhua.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Mahraji Devi Wife of Lal Mohan Singh R/o Village- Pachpokhari, P.S.-
Kudra, District- Kaimur at Bhabua, Mob.- 8298678890.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Tribhuwan Narayan

For the Opposite Party/s : Mr.APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-12-2021 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner seeks bail in connection Complaint Case no.
937 of 2014 in which cognizance has been taken under sections
420 and 406 of the Indian Penal Code.

Learned counsel for the petitioner submits that
petitioner is in custody since 03.03.2021 and is person with
clean antecedent. Learned counsel for the petitioner further
submits that the informant alleges that on 10.7.2014 she had
gone to ATM of PNB branch, Kudra to withdraw the money but
ATM rejected her ATM card, when a boy standing near ATM
came to help her. It is next alleged that the informant gave her



ATM card to the boy who withdrew Rs 10,000/- as requested by the informant and gave back her card. It is next alleged that after some days, informant realized that card which was given to her was not her card and later she came to know that Rs 70,000/- has been withdrawn from her account. Accordingly, present came to be instituted. The learned counsel for petitioner submits that in this case, the petitioner along with his father has been made accused for the reason that card which was given to the informant was card of father of this petitioner, learned counsel next submits that this petitioner was not present at ATM on the alleged date of occurrence. Further learned counsel submits that no prudent man would have given ATM card of his father to the informant and thus, would have been easily implicated in the case. Learned counsel submits that it was some other accused who was in possession of ATM card of father of this petitioner and had given the ATM card of the father of the petitioner to the informant, as father of the informant has also lodged Sanha with regard to missing of ATM card.

Learned APP opposes the prayer for bail.

Considering the facts that petitioner is in jail custody and is a person with clean antecedent and no prudent man would have given ATM card of his father to the informant, the



petitioner is directed to be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Kaimur at Bhabua in Complaint Case no. 937 of 2014.

(Satyavrat Verma, J)

s.hassan/-

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