

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40490 of 2020

Arising Out of PS. Case No.-122 Year-2020 Thana- DUMRA District- Sitamarhi

Rakesh Kumar Srivastava Son of Umanath Prasad Srivastava Resident of
Village - Aurai, P.S.- Brhariya, District - Siwan. At Present Address at -
Laxmi Colony, P.S.- Mithanpura, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Vikramdeo Singh Mrs. Madhubala Verma
For the Opposite Party/s	:	Mr. Sanjay Kumar Singh,APP Mr. Amit Kumar Jha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4. 07-04-2021 Heard learned counsel for the parties through virtual mode.

The petitioner seeks bail in Dumra P.S. Case No. 122 of 2020, registered for the offence under Sections 379, 420 of the Indian Penal Code.

As per the prosecution case, some unknown persons illegally and have fraudulently withdrawn Rs. Twenty Lacs from the S.B.I. account of the informant on different dates from 23.03.2020 to 12.04.2020. It has come during course of investigation that 18 lakhs of rupees was transferred to Account No. 4103000101083951 of PNB of Sumeet Saxena and thereafter, entire money was transferred and withdrawn from Account No. 030601525571 of ICICI Bank Muzaffarpur of Swati Kumar through ATM and OTP.



It is submitted on behalf of petitioner that none of the mobile numbers or bank account numbers, mentioned in the FIR or that has come during course of investigation, belong to this petitioner. It is further submitted that during course of investigation, the bank accounts were found to be in the name of Sumeet Saxena of Sahjapur (U.P.) and of Swati Kumari, I.C.I.C.I. Bank, Muzaffarpur and lastly, the money was withdrawn through account no. 030601525571 by Swati Kumari through ATM. It is further submitted that the petitioner has been made accused simply because he is relative of one of the co-accused Swati Kumari and pass-book of the co-accused Swati Kumari has been recovered from possession of this petitioner. Petitioner is in custody since 23.06.2020. Chargesheet has already been submitted.

However, counsel for the informant opposed the bail application and submitted that petitioner is brother-in-law of co-accused Swati Kumari and all of them conspired and committed the said offence.

Considering the fact that neither the alleged mobile numbers nor the account numbers, which were used in withdrawal of money belong to the petitioner and only material, which has come against this petitioner, is that he is relative of



co-accused Swati Kumari and her pass book has been recovered from petitioner, the bail application of petitioner is allowed. Let the above named petitioner 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 Chief Judicial Magistrate, Sitamarhi in connection with Dumra P.S. Case No. 122 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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