

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1871 of 2021

Arising Out of PS. Case No.-628 Year-2019 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. RAJNISH KUMAR Son of Sahsi Kumar Sharma Resident of Village - Ram Tola Dhamraghat, P.S.- Pusha, Distt.- Samastipur.
 2. Ranjan Kumar Son of Gajendra Pandit Resident of Village - Pranpur Godbapur, P.S.- Bakhandi, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Mistry, Adv.
For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-12-2021 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Manoj Kumar, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Mufasil P.S. Case No.628 of 2019 registered for the offences punishable under Sections 420, 37 and 34 of the Indian Penal Code. Petitioners have no criminal antecedent.

The prosecution story in brief is that the informant's wife took a loan for a sum of Rs.42,000/- from Ujjivan Small Finance Bank of Mohanpur Branch and received an ATM card.



Petitioners happen to be the employees of the bank and the allegation against them is that in connivance with each other they inter-changed the ATM card of the informant's wife and withdrawn Rs.40,300/- from the account of the informant's wife.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Learned counsel submits that the petitioners are said to be the employees of the bank and they have no concern with the alleged occurrence. It is submitted that the petitioners have no criminal antecedent.

Learned APP for the State is present and has opposed the prayer for pre-arrest bail of the petitioners.

Having regard to the materials placed before this Court showing that the informant had earlier submitted a written complaint with the officer in-charge, Muffasil police station, Samastipur giving a different version of the manner of occurrence in which his ATM card was changed by some unknown person and in this regard Annexure-P/4 and P/5 which is the letter of the sub-inspector of police, Muffasil police station has been placed before this Court, the submission that it is only subsequently and at a belated stage the informant has incorporated the name of these two petitioners by filing a different kind of FIR, these two petitioners are said to be the employees of the Micro-Finance Company and



have otherwise no criminal antecedent, this Court directs that the petitioners above-named in the event of their arrest or surrender within a period of four weeks from today in connection with Mufasil P.S. Case No.628 of 2019 be released on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-Vth, Samastipur, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

