

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8194 of 2022

Arising Out of PS. Case No.-252 Year-2021 Thana- DUMRA District- Sitamarhi

RAKESH KUMAR @ APPUJI Son of Late Sushil Prasad Srivastava Resident
of Village - Methaura, Bishanpur, P.S.- Dumra, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 27-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Dumra
P.S. Case No. 252 of 2021 registered for the offence under
Sections 406, 420, 467, 468 and 471 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 20.12.2021.

The allegation against the petitioner is to commit
cheating and to misappropriate the amount of Rs.400/- per
month for the last five (5) years from the bank account of the
mother of informant.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner is operator of Customer Service Point



(CSP) of SBI and for that reason, he has been falsely implicated on the basis of mere suspicion. It is also submitted that the contents of FIR is suggesting that alleged amount is withdrawn from the bank account of one Manisha Devi w/o Sukesh Ram but no any police complaint was ever lodged by said Manisha Devi w/o Sukesh Ram. It has further been submitted that nothing surfaced during course of investigation which may suggest that it was the petitioner who received any benefit out of said transactions. It is also submitted that petitioner could not transfer money to pension account, as responsibility is with Block Development Officer. It is submitted that petitioner is a man of clean antecedent, moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that the transfer of pension amount is not the subject matter of operator of Customer Service Point(CSP).

Considering the facts and circumstances as mentioned above, as nothing surfaced during course of investigation, which may connect, *prima facie*, the petitioner with alleged transfer of amount or to receive any fiscal benefit arises thereof, coupled with the fact that charge-sheet has already been submitted, let



the petitioner, above named, is directed to be released on bail in connection with Dumra P.S. Case No. 252 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Sitamarhi/concerned court, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Lakshmi Sinha, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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