

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23146 of 2021

Arising Out of PS. Case No.-146 Year-2020 Thana- SINGHESHWAR District- Madhepura

Sudhir Kumar @ Sudhir Kumar Yadav Son Of Sukhdeo Yadav @ Sugdev
Yadav R/O Village- Maura Kabiyahi, P.S.- Shankarpur, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Pawan Kumar, Advocate
For the State	:	Mr. Madan Kumar, APP
For Opp. Party No.2	:	Mr. Nafisuzzoha, Advocate
For Opp. Party No.3	:	Mr. Sanjiv Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

8 19-04-2022 Heard learned counsel for the petitioner, learned APP
for the State, learned counsel for the opposite party nos. 2 and 3.

The petitioner apprehends his arrest in connection
with Singheshwar P.S. Case No.146 of 2020 registered for
offences under Sections 379 and 420 of the Indian Penal Code.

Paragraph 5 of the counter affidavit filed on behalf of
the State Bank of India reads as follows:-

*“That in the aforesaid context first of all
it is stated that the C.S.P. (Customer Service Point)
of the petitioner is not linked to the State Bank of
India but the same is linked to another bank.
Secondly, none of the person/agency linked to State
Bank of India or the official of the State Bank of
India is involved in the subject transactions.
Transactions were off-us. From perusal of the data
obtained by the State Bank of India through the
concern sources with respect to the transactions
made in the saving bank's account of the informant*



during the relevant period, i.e. from 23.04.2020 to 01.06.2020, it transpires that Rs.10,000/- on 23.04.2020, Rs.10,000/- on 24.04.2020 and Rs.2,100/- on 25.04.2020 were debited through the biometric (fingerprint) Micros-ATMs linked with Yes Bank through Rekha Devi, Ward No.08, Sultanpur, Ghataho, Samastipur (Bihar). Further, Rs.500/- on 04.05.2020 and Rs.135/- on 01.06.2020 were debited through the biometric (fingerprint) Micro-ATMs linked with the IndusInd Bank through Sri Amardeep Kumar, Ward No.05, Sihpur, Madhepura (Bihar).”

From reading of the aforesaid paragraph, it appears that the petitioner is innocent.

In these circumstances, this application for anticipatory bail is allowed.

Accordingly, let petitioner, above-named, in the event of his arrest or surrender within four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Singheshwar P.S. Case No.146 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The Superintendent of Police, Madhepura is directed to get further investigation of Singheshwar P.S. Case No.146 of 2020 done in the light of the aforesaid statement made by the State Bank of India in the counter affidavit.



With the aforesaid observation and direction, this application for anticipatory bail is allowed.

Let a copy of this order be communicated to the Superintendent of Police, Madhepura for its compliance through FAX and e-mail forthwith.

Mr. Madan Kumar, learned APP for the State, is directed to communicate this order to the Superintendent of Police, Madhepura through WhatsApp and on telephone.

(Sandeep Kumar, J)

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