

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25319 of 2022

Arising Out of PS. Case No.-67 Year-2021 Thana- MOKAMAH District- Patna

Sumit Kumar @ Sugna Son Of Raju Das Resident Of Village - Modangachhi,
P.S.- Mokama, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Adv

For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-08-2022 Let the defects, if any, be removed within four weeks from today.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection with Mokama P.S.Case No. 67 of 2021 for the offences punishable under Sections 406, 419, 420, 34 of the Indian Penal Code.

As per the prosecution case, it is alleged that the informant is a regular account holder of the SBI and when he went to withdraw Rs. 1Lac from his account, he found that Rs 11 lac has already withdrew from his account on different dates. The informant came to know that the



petitioner in collusion with the family members were involved in illegal withdrawal from his account.

Learned counsel for the petitioner submits that from the FIR it is evident that the informant has tried to rope up all the family members of the petitioner which shows malafide intention. It is further submitted that the informant is none else but the his own maternal uncle of the petitioner and the petitioner used to live and study in the house of the informant. The informant has himself transferred some amount in the account of the petitioner for the purpose of construction of house which has been duly constructed by the petitioner. However, as the mother of the informant, transferred a piece of land in favour of the petitioners, caused annoyance to the informant, he instituted the present case only in order to pressurize them. It is next submitted that allegedly on several occasions the money has been withdrawn fraudulently by the petitioner but surprisingly at no point of time any claim has been made either to the Bank officials or against the petitioner. It is next submitted that the petitioner having fair antecedent and is in custody since 14.08. 2021 and moreover, an amount of



Rs. 8 lac is kept in the account of the petitioner and if in course of trial , it would come that the petitioner has committed fraud, the same would be compensated.

On the other hand, learned counsel for the State opposed the bail application of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the nature of allegation apart from the fact the petitioner is in custody since 14.08.2021, having fair antecedent and moreover, petitioner and informant is close relatives, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Barh, Patna in connection with Mokama P.S.Case No. 67 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.



(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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