

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25340 of 2022

Arising Out of PS. Case No.-30 Year-2022 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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DAYANAND KUMAR @ CHOTU, SON OF SHRI SUNIL SINGH
RESIDENT OF VILLAGE - ATHAUVA, P.S.- KADIRGANJ, DISTT.-
NAWADA, BIHAR (805110)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aaruni Singh, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-08-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Sheikhopur Sarai P.S. Case No.30 of 2022 instituted under
Section 419, 420, 379, 120(B)/34 of the Indian Penal Code.

Prosecution case, in short, is that the informant on
28.02.2022 at 12:30 Hours along with his sister and mother had
gone to Sheikhopur Sarai Bazar, Canara Bank ATM to withdraw
money and while the Informant was trying to withdraw money
from the account of his sister, a person standing behind him took
out the ATM card. The said person then rubbed the ATM card
and inserted the same again and tried to withdraw money but



three other persons standing in line told that the ATM was not working then that person returned his ATM card. After sometime informant received message of withdrawal on the mobile phone, Rs.4,500 was withdrawn four times and Rs.500/- once, which totalled Rs.18,500/-. Upon receiving such messages, informant contacted the Bank Manager who checked his ATM card and told it did not belong to Sulekha Kumari rather it is of someone else. When informant had gone to the Bank Manager for information regarding the withdrawal, he saw the same boy along with his friends who had deceived him. Upon recognizing them, informant informed the Bank-Staff who caught hold of that boy but his friends fled away taking advantage of the crowd and upon enquiry that boy disclosed his name as Dayanand Kumar (Petitioner), Manish Kumar, Ravi Kumar and Anish Kumar. Then the police was informed and accordingly the apprehended boy namely Dayanand Kumar was handed over to the police and informant also gave his written report to the police officer. On the basis of the aforesaid written report, FIR was lodged.

Learned counsel for the petitioner submits that a bare perusal of the date and events would show that the informant has claimed the alleged exchange of card followed by



withdrawal on 28.02.2022 whereas he waited for next three days to lodge the FIR and only thereafter visited the Bank and saw the present petitioner in the Bank. He further submits that petitioner is a young boy of 20 years pursuing his studies and is presently student of B.Sc.(Hons.) from Nawada (Nardiganj College, Nawada). He lastly submits that he is in custody since 03.03.2022 and has suffered a lot due to alleged act.

Considering the fact that the charge-sheet stands submitted, the petitioner is in custody since 03.03.2022 and is a young student of 20 years pursuing his studies from the Nawada College, this Court giving a chance to reform himself, is inclined to grant him privilege of bail with certain conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Sheikhopur Sarai P.S. Case No.30 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura, subject to following conditions:

- (i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;
- (ii) the petitioner shall appear on each and every date



before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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