

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36932 of 2022

Arising Out of PS. Case No.-330 Year-2018 Thana- GORAUL District- Vaishali

Aakash Kumar Son of Arun Kumar Singh, Resident of village- Jarang
Rampur, P.S.- Vaishali (O.P.- Belsar), District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Lalan Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 21-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Goraul P.S. Case No. 330 of 2018, lodged under Sections 406,
420, 379 of the Indian Penal Code.

As per prosecution case, the informant disclosed that
he is resident of Vaishali but his SBI account is of Delhi. It has
been stated by the informant that in the SBI ATM situated at
Vaishali, he has visited on 15.09.2018 at about 12 noon where 3-
4 persons are there, informant disclosed that when he has
inserted his ATM then it was not functional, in the name of help,
those persons have changed his ATM and he was completely
unaware about the said change, in the meantime Rs.1,04,938/-
has been debited from his account illegally, when he went to his

Bank at SBI and taken statement of account then he became aware of the said fraud.

Learned counsel for the petitioner submits that name of petitioner has figured in this case only and only due to the reason that certain purchase at the Mobile shop has been made in his name. He further submits that though the said purchase was made in his name but he was not the persons who was physically present at the shop, rather it is Mohd. Fayyaz who has given the name of petitioner in the purchase slip. Learned counsel for the petitioner further submits that petitioner is in custody since 05.04.2022 having 4 criminal antecedents, in which he is on bail in all 4 cases but none of the cases are relating to IT Act.

Learned counsel for the State opposes the prayer for bail but fairly submits that money from the account of informant has been withdrawn with the help of said shopkeeper and the said shopkeeper had disclosed that the swiping has been made by Mohd. Firoz who has used ATM of the informant.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to

the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Goraul P.S. Case No. 330 of 2018, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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