

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43391 of 2022

Arising Out of PS. Case No.-182 Year-2018 Thana- ARWAL District- Jehanabad

=====

Dhiraj Kumar Son of Vijay Kumar Resident of Village - Ohari, P.s.- Nawada,
Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

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

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

=====

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with Arwal
P.S. Case No. 182 of 2018 registered for the offences punishable
under Sections 420 and 379 of the Indian Penal Code.

As per the prosecution, the informant has alleged that

an amount of Rs.1,44,000/- was illegally withdrawn or
transferred without his knowledge from his bank account and an
amount of Rs.50,000/- was transferred to this petitioner's
account on the alleged date and time from the informant's
account.



The main submissions advanced by the learned counsel Mr. Amresh Kumar Sinha for the petitioner are that the alleged bank account in which the money of the informant was illegally transferred actually was not opened by this petitioner and someone else used the name of this petitioner in opening the said bank account by using the name and address of this petitioner and in this regard a copy of the application by which the said account was opened has been filed as Annexure-2 and the photograph affixed with the said application is not of the petitioner. Further submission is that the petitioner has been languishing in jail since 29.04.2022 having clean antecedent.

Learned APP Mr. Binod Kumar appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the order impugned. Considering the petitioner's defence as to his name and address being used by someone in the opening of the bank account in which the alleged amount was transferred and also the fact that in support of the said defence the copy of the application submitted by which the disputed bank account was opened has been filed as Annexure-2 and according to petitioner's counsel the said application had a photograph of a person other than the petitioner and as per the petitioner's



counsel during the investigation the police officer concerned did not make any investigation regarding the said defence and also considering the petitioner’s clean antecedent and his custody period, in the opinion of this Court a lenient approach can be taken in respect of the petitioner’s prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Arwal P.S. Case No. 182 of 2018.

(Shailendra Singh, J.)

sangam/-

U		T	
---	--	---	--

