

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16158 of 2023**

Arising Out of PS. Case No.-234 Year-2022 Thana- SASARAM NAGAR District- Rohtas

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KAMESHWAR SINGH S/O LATE RAM NARESH SINGH Resident of
Village- Balathuan, P.S.- Sasaram, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Narayan, Sr. Adv.

Mr. Jay Prakash Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 28-04-2023 1. Heard learned senior counsel for the petitioner and
the learned APP for the State.

2. Petitioner seeks regular bail in connection with
Sasaram (Town) P.S. Case No. 234 of 2022 dated 24.03.2022
registered for the offences punishable under Sections 379 and
420 of the Indian Penal Code.

3. The main submissions advanced by petitioner's
counsel are that the petitioner has fair and clean antecedent and
he is a *rustic* villager and had no knowledge about the person,
who was operating his account and he is a marginal farmer and
he sold 56 *quintals* of paddy to Muradabad PACS and also
provided his SBI account no. 32688891994 of Sasaram Branch,
for money transfer in his account and the money concerned to
the sold paddy was not transferred in his account then he met



the concerned PACS Chairman and thereafter, approached Bihar Gramin Bank, Branch-Rouja Road, Sasaram, Bihar, then the bank official said the petitioner that his money had come in his account on 14.02.2022 but his KYC was not updated and asked him to do some formalities for withdrawing the said amount and thereafter, on the basis of banker's statement, he made affidavit and produced his documents relevant to KYC such as Aadhar card, pan card, resident proof etc. to the bank concerned to complete his KYC and the petitioner bonafidely operated the account no. 73900100107989, considering the same as his own account but he had no knowledge that the said account no. belongs to other person and as per the allegation, a sum of Rs. 10,23,416/- was withdrawn from the said account during the relevant period from 24.02.2020 to 01.03.2022, in which the petitioner had no role and also he had no knowledge of the same and when the alleged wrong came into his knowledge, he immediately deposited Rs.5,05,000/- out of the total alleged withdrawn amount and also filed an undertaking to deposit the rest amount in installments in four years and his undertaking's copy has been filed along with this petition and the petitioner is still ready to deposit the rest amount, though he did not commit any wrong. Further submissions are that the petitioner has fair and clean antecedent and has been languishing in jail since



08.11.2022.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly the facts that the petitioner has deposited Rs.5,05,000/- out of the total alleged amount, which he had allegedly withdrawn from the said bank account and he is also ready to deposit the rest amount in installments and he has fair and clean antecedent and has been languishing in jail since 08.11.2022, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged 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 Court concerned in connection with Sasaram (Town) P.S. Case No. 234 of 2022 **further on condition** that the petitioner shall deposit the rest amount of Rs. 5,18,416 in equal installments after the gap of every month in the next two years in the bank concerned and submit the copy of payment receipts in the trial Court, if he does not deposit the said amount in the said period then the trial Court will take serious action against him by cancelling his bail bond.

(Shailendra Singh, J)

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