

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20685 of 2023

Arising Out of PS. Case No.-288 Year-2018 Thana- HAJIPUR SADAR District- Vaishali

RAVINDRA KUMAR Son of Kapildeo Paswan Resident of village-
Makhdumpur, P.S. Goraul, District-Vaishali at Hajipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shakil Ahmad Khan, Advocate
For the Opposite Party/s	:	Mr. Madhura Nand Jha, APP
For the Informant	:	Mr. Alok Kumar Alok, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code read with Sections 65 and 66 of the IT Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that on 23.04.2018, he had gone to SBI ATM for withdrawing an amount of Rs. 5,000/- but when he inserted his ATM card, the person standing behind him said that the card has been wrongly inserted and accordingly the said person took out his ATM card and told him to insert it again and thereafter the



card was inserted and Rs. 5,000/- was withdrawn. It is next alleged that during the course of transaction the person who was standing behind was helping the informant and when he withdrew the amount it was the person standing behind who took out the ATM card from the machine and handed it over to the informant, it is next alleged that later the informant realised that an amount of Rs. 1,67,000/- (approx) has been withdrawn illegally from his account and he also realised that the ATM card which was handed over to him by the said person was of the petitioner.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case based on suspicion, it is next submitted that the person who was standing behind the informant at the ATM had handed over the ATM card to the informant after taking out the same from the machine and it appears that at that time, the said person instead of handing over the ATM card of the informant, handed over the card of the petitioner. Learned counsel further submits that no prudent person would use his own ATM card for committing an occurrence and then would create evidence against himself and hence would get implicated, it is further submitted that petitioner is working with Assam Rifles and he had given his



ATM card to his mother for using the same and her mother had lost the ATM card for which a *sanha* was registered with respect to the loss of the ATM as would be evident from Annexure '4' to the anticipatory bail application.

Learned counsel for the petitioner asserts and submits that petitioner is working with Assam Rifles, he is a person with clean antecedent and has an unblemished service record and even on the date of occurrence, the petitioner was not present at the place of occurrence rather was at his place of posting which also stands confirmed by his superior.

Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Hajipur Sadar P.S. Case No. 288 of 2018 subject to the conditions as laid down



under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Rishi/-

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

