

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52500 of 2023

Arising Out of PS. Case No.-485 Year-2022 Thana- BIBHUTIPUR District- Samastipur

Sumit Kumar @ Guddu, S/O Baidyanath Mahto, R/O Village- Ekdara, Ward
No. 7, P.S. Vibhutipur, Dist. Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Shekhar, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-08-2023 Heard Mr. Raj Shekhar, learned counsel appearing on
behalf of the petitioner and the learned Additional Public
Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Bibhutipur P.S. Case No. 485 of 2022, G.R. Case No. 1499
of 2022, registered for the offences punishable under Sections
406 and 420 of the Indian Penal Code.

3. Allegedly, on the pretext of preparing E-shram
Card, the petitioner by educating the informant obtained his
Aadhar Card and bank account and fraudulently withdrew Rs.
50,000/- on different occasion.

4. Learned counsel appearing on behalf of the
petitioner while drawing the attention of this Court to the
written report filed by the informant submits that from the



narration thereof, it appears that the entire occurrence took place from 06.04.2022 to 11.05.2022, and he came to know about such fraudulent withdrawal on 03.11.2022, but he filed this written report on 06.11.2022 and lastly the FIR has been instituted on 26.12.2022. He further submits that there is no material on record suggesting that the amount has been withdrawn by the petitioner from the account of the informant and even during the course of investigation, no cogent material has come suggesting his involvement. He next submitted that only on account of a criminal antecedent, the informant in collusion with the police has instituted this case with some oblique reason. He next submits that the petitioner undertakes that he will fully co-operate in the investigation or in proceedings of the Court and in case any need would arise, he will remain physically present during the course of investigation.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that this is a case of fraud upon the informant and the petitioner was in possession of his Aadhar Card and the bank account and, as such, his complicity cannot be denied.

6. Regard being had to the submissions made on



behalf of the parties and considering the delay in lodging of the FIR and the fact that there is no cogent material on record suggesting his complicity, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Rosera in connection with Bibhutipur P.S. Case No. 485 of 2022, G.R. Case No. 1499 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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