

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73084 of 2023

Arising Out of PS. Case No.-267 Year-2023 Thana- DAUDNAGAR District- Aurangabad

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RUPESH KUMAR Son of Dayanand Singh Resident of village - Nasriganj
(Yadav Toli), P.S.- Nasriganj, District - Rohtas (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anand Kumar Ojha

For the Opposite Party/s : Mr.Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-11-2023 Heard the parties.

2. The petitioner is in Judicial custody in connection with Daudnagar P.S. Case No. 267 of 2023 instituted under Section 420/379 of I.P.C. lodged on 08.05.2023 by the informant, Asha Kumari.

3. As per the prosecution story, the informant has alleged that they went to Daudnagar, Bhakhrua More ATM centre for withdrawing money but could not succeed. There one person came forward offering help and stated that the card has been rejected. However, the moment the informant came back, the messages started coming on the mobile informing withdrawal of Rs.6000/-, Rs.9500/-, Rs.9500/- totalling Rs.25,000/-. Accordingly, the F.I.R.

4. Subsequently, during the investigation, the name of



the petitioner cropped up who also has criminal antecedent of the same nature.

5. Learned counsel for the petitioner submits that only because of criminal antecedent, he has already remained in custody since 14.06.2023 (para 9 of the bail petition). Further, irrespective of the outcome of the present case as also without accepting the allegation made in the F.I.R. on humanitarian ground, he is ready to pay Rs.25,000/- by bank draft to the informant issued by the local State Bank of India to be submitted before the Court.

5. Learned APP opposes the prayer for bail stating therein that allegation against him is of alleged withdrawal of money from the A.T.M.

6. Taking into account the aforesaid fact that the F.I.R. has been lodged against unknown, he has remained in custody since 14.06.2023, this Court is inclined to grant him privilege of bail subject to the payment of Rs.25,000/- to the informant as undertaken by the learned counsel for the petitioner.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Daudnagar, Aurangaad, in connection with Daudnagar



P.S. Case No. 267 of 2023, subject to following conditions :

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself,

(iii) the petitioner shall appear before the concerned police station every fortnight for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds:

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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