

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33067 of 2024

Arising Out of PS. Case No.-53 Year-2021 Thana- SIWAN CITY District- Siwan

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Ajay Kumar Son of Rajeev Ranjan Baitha Resident of Village- Chittor (Ward No. 4), P.S.- Aandar, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Kumari Anupam, Advocate
For the State : Mr. Narsingh Tanti, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 20-11-2024 Heard Ms. Kumari Anupam, learned counsel for the
petitioner and Mr. Narsingh Tanti, learned APP for the State.

2. Petitioner seeks pre-arrest bail in connection with,
Siwan Nagar P.S. Case No. 53 of 2021 registered for the
offences punishable under Sections 379 & 420 of the Indian
Penal Code.

3. As per the allegation made in the FIR, a sum of Rs.
2,00,000/- was withdrawn from the bank account of the husband
of the informant, while the husband of the informant was
working in abroad. The petitioner has allegedly withdrawn the
said amount by using his mobile no.8581834897 and
AADHAAR No.987075181112.

4. Learned counsel appearing on behalf of the
petitioner submits that the AADHAAR number of the petitioner



is 987075131112, while the AADHAAR number (98707518112), was used in fraudulent withdrawal of the money, as mentioned in the FIR, which is of another person. He further informs that the petitioner was taking examination on the date of alleged forgery as would appear from (Annexure-4). He further submits that petitioner has clean antecedent. On these grounds, the petitioner seeks to be released on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Having considered the rival submissions made on behalf of the parties, as well as, the fact that the AADHAAR number of the petitioner is 987075131112 and as per the allegation made in the FIR, the fraudulent withdrawal was made using AADHAAR No. 987075181112. The petitioner has also brought on record (Annexure-4) that he was taking the examination on the date, when the alleged offence was committed, which fact can be verified by the learned District Court.

7. Accordingly, if the petitioner is found prima facie not the same person, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of



four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Additional Chief Judicial Magistrate, Siwan in connection Siwan Nagar P.S. Case No. 53 of 2021, subject to conditions with laid down under Section 438(2) of the Cr.P.C.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

Harshita/-

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