IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42413 of 2024

Arising Out of PS. Case No.-787 Year-2023 Thana- SITAMARHI District- Sitamarhi

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1. Chitranjan Kumar S/O Upendra Mahto R/O Village Madhuban Laxmipur,P.O. Bhutahi, P.S. Sonbarsa, Distt-Sitamarhi
2. Sikandar Kumar S/O Bhila Mahto R/O Village-Laxmipur, P.S. Sonbarsa, Distt-Sitamarhi. At present, resident of Ring Bandh, P.S. and Distt-Sitamarhi

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Surendra Kishore Thakur
For the Opposite Party/s : Mr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-06-2024 **1.** Heard learned counsel for the petitioners and learned A.P.P. for the State, Mr. Rabindra Kumar.

2. The petitioners apprehend their arrest in connection with Sitamarhi P.S. Case No. 787 of 2023 registered for the offences punishable under Sections 419, 420, 379 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and have been falsely implicated in the instant case by the informant. It is next submitted that informant alleges that he has vision problem and petitioner No. 2 is friend of his son as such he used to come to his house often and thus gained confidence of the family. It is next alleged that the informant along with his son and petitioner No. 2 used to go to ATM for withdrawal of money and at times even requested the petitioner No. 2 to withdraw money from his account, since he was friend of his son. It is further alleged that about one year back, petitioner No. 2 had informed him that the informant's cheque book, ATM Card and mobile phone registered with the bank have been lost, but since his wife was hospitalised as such he could not register a complaint with the police. It is next alleged that on 21-10-2022 an amount of Rs. 50,10,454/- was lying in his account but when he went to withdraw money in April, 2023 for treatment of his wife, he came to know that only Rs. 60,000/-was left, thereafter he sought a detailed information from the bank that as to how his money was siphoned off, when he came to know that the petitioners along with Anil Kumar, Rahul Kumar and Madan Kumar have withdrawn the money in conspiracy.

4. The learned counsel for the petitioner next submits that petitioners have been falsely implicated in the instant case by the informant. It is further submitted that it absolutely does not stand to reason that when the petitioner No. 2 had informed the informant about an year back about the fact that his Cheque book, ATM Card and registered mobile number are missing then why he did not inform the police. It is further submitted that it is not the case of the informant that the cheques were signed in pursuance whereof money was withdrawn. It is also submitted that the case has been instituted after much delay as such even CCTV footage of the bank and the ATM may not be available.

5. Learned A.P.P. for the State, Mr. Rabindra Kumar, opposes the prayer for anticipatory bail of the petitioners and submits that from perusal of the allegation as alleged in the FIR, it would manifest that the same records that petitioner No. 2, being friend of the son of the informant, had gained the confidence of the family. It is also submitted that it absolutely does not stand to reason that how the petitioner No. 2 was aware that Cheque book, ATM card and the registered mobile number of the informant were missing, this amply demonstrates that petitioner No. 2 was having access to the cheque books, ATM card and mobile of the informant as the informant believed in him. It is further submitted that petitioner No. 2 is aged about 20 years and hence must be a student but then from the order impugned, it would manifest that a specific plea has been taken that an amount of Rs. 80,000/- was credited in the account of petitioner No. 2 about which there is no justification in the anticipatory bail application that how and from where the said money was credited in the account of the petitioner No. 2 which amply demonstrates that after the money was siphoned off, the said amount came to be credited in the account of petitioner No. 2, who in connivance with uncle and other named accused persons made withdrawal from the account of the informant. The learned APP further submits that investigation is in its nascent stage and in the event if the privilege of the anticipatory is granted to the petitioners, in that event, they may abscond or temper with the evidence.

6. Considering the submissions made by the learned APP, the Court is not inclined to extend the privilege of anticipatory bail to the petitioners.

7. The anticipatory bail application is dismissed.

(Satyavrat Verma, J)

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