

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42688 of 2024

Arising Out of PS. Case No.-81 Year-2023 Thana- TANKUPPA District- Gaya

Salimuddin SON OF LATE CHANDU MIAN VILLAGE- CHAMUKHAP,
AROPUR, PS- TANKUPPA, DIST- GAYA

... .. Petitioner/s

Versus

1. The State of Bihar
2. SOUTH BIHAR GRAMIN BANK, BARTARA POLICE STATION-
TANKUPPA, DIST- GAYA BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar, Advocate

For the Opposite Party/s : Mr.Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-07-2024 Heard learned counsel for the petitioner, the State
as the opposite party no.2.

2. The petitioner is in judicial custody in connection with Tankuppa P.S. Case No. 81 of 2023 for the offence punishable under Sections 420, 467, 468, 471/34 of the Indian Penal Code lodged on 28.4.2023 by the informant, Prashant Kumar.

3. As per the prosecution story, the accused persons came for withdrawal of Rs. 20,000/- but upon suspicion, they were apprehended and later, it was found that fraud withdrawal of Rs. 10,000/- was earlier done by them on 25.4.2023. Accordingly, the FIR.



4. Learned counsel for the petitioner submits that he being an illiterate person has no knowledge and he has only identified the accused persons for which he has already suffered by being in custody since 14.2.2024 (para-12 of the petition). The last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to give Rs. 10,000/- through Demand Draft issued by the local State Bank of India branch to be paid to the opposite party no.2, South Bihar Gramin Bank under Bartara Police Station- Tankuppa, Dist- Gaya, Bihar through its Branch Manager.

4. Learned counsel appearing on behalf of the opposite party no.2 opposes the prayer submitting that it was on his identification that all these fraud withdrawal was made.

5. Taking into account the fact that he has only identified the accused persons, the other two accused persons are already on bail, is in custody since 14.2.2024 and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 10,000/- as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local SBI to be submitted to South Bihar Gramin Bank, Bartara Police Station- Tankuppa, Dist- Gaya,



Bihar through its Branch Manager.

6. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate,-1st Class, Gaya, in connection with Tankuppa P.S. Case No. 81 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member/relative 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 six months to mark his 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 his bail bonds.

(Rajiv Roy, J)

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