

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59237 of 2024

Arising Out of PS. Case No.-23 Year-2024 Thana- SAKURABAD District- Jehanabad

Pawan Kumar Son of Satyendra Singh R/V- Village- Jamanganj, PS-
Makhdumpur, Distt.- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Navin Kumar

For the Opposite Party/s : Mr. Anil Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 09-09-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 467, 468,
471, 420, 406 and 120(B) of the Indian Penal Code.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.
4. The informant alleges that *Aadhaar* card of the
accused persons including the petitioner was added in the
account of original account holder without their permission and
thereafter an amount of Rs. 15,06,527/- was illegally withdrawn
from genuine accounts through the CSP by enabling *Aadhaar*
Enable Payment System, further an amount of Rs. 1,20,572/-
was withdrawn by *Aadhaar* of petitioner.



5. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that it absolutely does not stand to reason that as to why the petitioner would have used his own *Aadhaar* linking it with the account of the original account holder for the purposes of withdrawing an amount and thus creating evidence against himself for being implicated. It is further submitted that no prudent person would indulge in an act where he creates evidence against himself and thereafter gets implicated. It is also submitted that it may be a possibility that the *Aadhaar* of the petitioner was misused by the bank officials. It is next submitted that if *Aadhaar* card had to be attached to the account of the original account holder, the same could not have been done without the connivance of the bank officials, but then the bank officials in order to shirk their responsibility implicated the petitioner along with others.

6. It is again submitted, at the cost of repetition, that no prudent person would indulge in an act where he creates an evidence against himself and thus gets implicated. It is also submitted that petitioner though is not involved in the occurrence, but then is willing to return the amount of Rs. 1,20,572/-.



7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that no doubt what has been submitted by the learned counsel appearing on behalf of the petitioner appears to be probable, but then allegation is alleged against the petitioner and in the event if anticipatory bail is granted to the petitioner, the petitioner may abscond, on which the learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

8. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Shakurabad P.S. Case No. 23 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioner despite



giving assurance to this Court is not co-operating in the investigation or is not presenting himself as and when required in that event the learned Trial Court shall be at liberty to forthwith cancel the bail bonds of the petitioner after recording reasons.

10. Let a copy of this order be sent to the concerned P.S. through the learned Trial Court.

11. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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