

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64769 of 2023

Arising Out of PS. Case No.-299 Year-2023 Thana- SABAUR District- Bhagalpur

1. NIRMALA DEVI WIFE OF SANJAY PODDAR RESIDENT OF VILLAGE - SABOUR, POLICE STATION - SABOUR, IN THE DISTRICT OF BHAGALPUR
2. NAVIN KUMAR @ NAVIN @ SANNI SON OF SANJAY PODDAR RESIDENT OF VILLAGE - SABOUR, POLICE STATION - SABOUR, IN THE DISTRICT OF BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

2. Kajal Kumari, w/o Mr. Amit Krishna, R/o-Cold Storage, P.S.-Sabaur, District-Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 27-02-2024 Heard learned counsel for the petitioners, the State and learned counsel for the informant.

2. The petitioners are apprehending arrest in connection with Sabour P.S. Case No. 299 of 2023 instituted under Sections 406/419/420 of the Indian Penal Code lodged on 2.6.2023 by the informant, Kajal Kumari.

3. As per the prosecution story, the allegation in the FIR is that both the petitioners came to the house of the informant when her mother-in-law and husband were away. The lady wanted immediate economic assistance and upon inability of the informant to pay the amount, the lady insisted to provide



ATM of her mother-in-law as also PIN with an assurance that the amount shall be returned within 3-4 days. Believing the word and as she had knowledge of the PIN number of ATM of her mother-in-law, the same was handed over to the petitioners. The allegation is that misusing the same, around Rs. 6,50,000/- were siphoned of by the petitioners herein. Though, she acknowledges that out of 6,50,000/- she also took out Rs. 50,000/- which was handed over to her by the petitioners as subsequently, the family members came to know about the missing of the ATM card and despite the request, the same was not returned and later, it came to notice that Rs. 6,50,000/- has been siphoned of, this FIR.

4. Learned counsel for the petitioners submit that a bare perusal of the FIR would show that the lady handed over the ATM card, also provided the PIN as she wanted money for her daily use and merely because the two petitioners had knowledge about the bank transaction, implicated.

5. Learned counsel appearing on behalf of the informant submits that in good faith, the ATM card was handed over to the petitioners which was misused, ATM card not returned and later, it came to notice that around Rs. 6,50,000/- has been siphoned of.



6. Though, the allegation is grave and complicity of the accused persons is/are there, as the petitioner no.1, Nirmala Devi is a lady and as undertaken by the learned counsel for the petitioners, she will be cooperating in the investigation and diligently appearing in trial, this Court is inclined to extend her the privilege of anticipatory bail.

7. So far as the petitioner no.2, Navin Kumar @ Navin @ Sanni is concerned, though he is a young boy, taking into account the fact that he has misused the faith reposed upon him by the lady and in the process has siphoned of Rs. 6,50,000/-, it would be appropriate that he surrenders and prays for bail. His anticipatory bail stands rejected.

8. Let the petitioner no.1 Nirmala Devi be released on bail, in the event of her arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Sabour P.S. Case No. 299 of 2023 to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of



the petitioner no.1 who shall provide official document to show his/her bona fide;

(ii) the petitioner no.1 Nirmala Devi 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 her bail bond by the Trial Court itself;

(iii) petitioner no.1 Nirmala Devi shall co-operate in the investigation and make herself available to the police as and when required;

(iv) the petitioner no.1 Nirmala Devi 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 no.1 Nirmala Devi shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of her bail bonds.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

