IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70986 of 2023

Arising Out of PS. Case No.-880 Year-2022 Thana- KANKARBAG District- Patna

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Pancham Singh @ Pancham Kumar Singh, S/o Janardan Singh, R/o Village-Budhaul, Rajabagiya, P.S- Fatehpur, District- Gaya.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Raja Ram Mishra, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

8 10-05-2024 1. Heard learned counsel for the parties.

2. The instant application has been filed by the petitioner for grant of anticipatory bail apprehending his arrest in connection with Kankarbagh P.S. Case no. 880 of 2022 registered under sections 420 and 379 of the Indian Penal Code.

3. As per the prosecution case, the informant states that one Deepak Kumar Singh who stated himself to be a student, started residing in the house of the informant as a tenant. He soon gained the confidence of the informant's parents and on many a occasion used to accompany the informant's father to the bank. He soon started keeping the ATM card of the informant's father and started withdrawing amounts from the account of the informant's father. He kept the sim card of the mobile phone number with him, got information of the

informant's father's account and the informant's father being an aged person did not know about the acts of Deepak Kumar Singh. It is stated that the said Deepak Kumar Singh illegally withdrew lacs of rupees from the informant's father's account which the informant could only learn after updating the bank passbook of his father. It is stated that the visits of Deepak Kumar Singh in the informant's parents' house was stopped from May, 2022. On getting holidays and coming to his parent's place, on enquiry the informant could learn about the acts of the said Deepak Kumar Singh and also the fact that even on being restrained from entering their house, he had continued to withdraw different amounts from his father's account. As such the F.I.R.

4. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case only for the reason that he happens to be the elder brother of the said Deepak Kumar Singh. Neither the petitioner is named in the F.I.R nor any incriminating material has transpired against him in course of investigation. The only material against the petitioner is the confessional statement of his brother Deepak Kumar Singh made before police. The same is inadmissible. No case under section 379 or 420 is made about against the

petitioner. The petitioner has no criminal antecedent and undertakes to cooperate in the investigation/case.

5. The application for anticipatory bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that substantial material has transpired in course of investigation against this petitioner who happens to be the full brother of Deepak Kumar Singh. It is submitted that the amount belonging to the father of the informant which was defalcated/stolen by the F.I.R named accused Deepak Kumar Singh was further transferred from Deepak Kumar Singh to the account of his brother ie the petitioner herein. Learned counsel referring to the supplementary affidavit filed on behalf of the petitioner and more particularly the statement of the petitioner's account submits that on one hand the petitioner does not file his income tax return, he does not have any known source of income and from perusal of the transactions in his account from the dates 18.3.2022 to 22.3.2022 it would transpire that several transactions have taken place wherein amounts of Rs.50,000/- each on several occasions have been transferred from the account of Deepak Kumar Singh ie the FIR named accused to the account of this petitioner. Learned counsel submits that a

total sum of Rs.5 lacs in ten installments of Rs.50,000/- have been transferred from the account of Deepak Kumar Singh to the petitioner's account within a period of five days. The petitioner has no explanation for the said entries and the amounts having been transferred from the account of the F.I.R named accused.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R, the material that has transpired in course of investigation and the contents of the statement of the account of the petitioner showing transfer of unexplained amount from the account of the F.I.R named accused to the account of the petitioner, the Court is not inclined to enlarge the petitioner on anticipatory bail and the application is rejected.

7. The petitioner is directed to surrender in the learned trial Court within a period of four weeks.

(Partha Sarthy, J)

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