

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79571 of 2023

Arising Out of PS. Case No.-76 Year-2023 Thana- DHAMDAHA District- Purnia

ARYAN KUMAR JHA @ BAJRANGI Son of Manoj Jha @ Amrendra
Kumar Jha R/o Dhamdaha, Nehru Chowk, P.S. - Dhamdaha, Distt. - Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subodh Kumar, Adv.

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 05-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 406, 419, 420, 467, 468, 471 of the Indian Penal Code.

3. As per prosecution case, the petitioner along with co-accused Sintu Kumar Mehta are alleged to have opened an account in Canara Bank, Dhamdaha in the name of the informant for getting money on loan and with intention of dishonesty, both of them took away informant's passbook and ATM card. When the informant came to know about transactions which were made in his account, accordingly, he lodged the case.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. He has falsely been implicated in this case. There is no any documentary evidence against the petitioner that he used the SIM and ATM of the informant for doing forgery. The incriminating articles Passbook, SIM and ATM which are alleged to be used by the petitioner, have not been seized from his possession. No any consistent material has brought on record that the petitioner cheated the informant and withdrawn the money in fraudulent way from the account of informant. It is further submitted that the petitioner is languishing in judicial custody since 15.4.2023. Moreover, other co-accused Sintu Kumar Mehta has already been enlarged on bail by this Court vide order dated 21.9.2023 passed in Cr. Misc. No. 44008 of 2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the informant has made specific overt-act against the petitioner in respect of cheating with the informant by using his ATM, Passbook & Sim and withdraw Rs. 41 lacs.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody period, this court is inclined to enlarge the petitioner on



bail. The above named petitioner is directed to be released on bail in connection with Dhamdaha P.S. Case No. 76 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st Class, Purnea with subject to following conditions:-

(i) the petitioner shall co-operate in the trial and shall be present on each and every fixed date and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii) In case, the petitioner tempers the evidence or hamper with the witnesses, his bail bonds shall be cancelled by the Court below.

(iii) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail bonds will be cancelled by the Court below.

(Sunil Kumar Panwar, J)

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