

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.60539 of 2025**

Arising Out of PS. Case No.-127 Year-2023 Thana- ALAMNAGAR District- Madhepura

1. Gautam Kumar S/O Pankaj Yadav R/O Village- Badhauna, Ward no. 01, P.S.- Alamnagar, Dist.- Madhepura.
2. Ashish Kumar S/O Vikash Kumar R/O Village- Badhauna, Ward no. 01, P.S.- Alamnagar, Dist.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                                                       |
|----------------------|---|-------------------------------------------------------|
| For the Petitioner/s | : | Mr. Rajesh Mishra, Adv.<br>Mr. Alok Kumar Singh, Adv. |
| For the State        | : | Mr. Ram Sumiran Rai, APP                              |

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      09-09-2025                      Heard learned counsel for the petitioners and  
learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Alamnagar P.S. Case No. 127/2023 registered for the offences punishable under Sections 379, 420, 34 of the Indian Penal Code.

3. As per prosecution case, the informant runs C.S.P. and the petitioners used to come to meet with the informant and allegation is that from 14.04.2023 to 23.04.2023, the petitioners withdrew the money from the bank accounts of several consumers of said C.S.P. fraudulently by using I.D. of the informant. It is further alleged that a Panchayati was held by



local people in which the petitioners promised to return the withdrawal money of relevant period but did not return and the petitioners threatened the informant to dire consequences.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case on account of dirty village politics. Petitioners bear no criminal antecedent. There is inordinate delay of thirty days in lodging the FIR as occurrence took place from 14.04.2023 to 23.04.2023 but FIR has been lodged on 14.05.2023 and no plausible explanation has been given regarding the said delay, which questions the authenticity of the alleged FIR. He further submits that the informant has not given any detail of the amount which has been taken by the petitioners. The C.S.P. center has been run with a unique I.D. number which cannot be transferred to any other person and if the informant has transferred the unique I.D. number to the petitioners, it is also an offence committed by the informant. He further submits that as per impugned order, there was discussion about the agreement by the petitioners in which the panchayati was held for the payment of amount but the said agreement has no connection with the alleged occurrence as mentioned in the FIR, rather, the



petitioners and the informant are friends and there was giving and taking of money prior to the lodging of the FIR. However, no consumers has raised any grievance against the petitioners sofar as the allegation as alleged in the FIR. In the light of the aforesaid facts and circumstances of the case, no offence is made out against the petitioners under the aforesaid sections.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioners and submits that there is allegation against the petitioners and the petitioners cannot be escaped from the liability of the allegation made in FIR.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Udakishunganj, District-Madhepura in connection with Alamnagar P.S. Case No. 127/2023, subject to



the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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