The court of District & Additional Sessions Judge - 2, Muzaffarpur
A.B.P. No. 941/2026

In the matter Of :

1. Rajesh Kumar, S/o- Jogendra Sahni
R/o Village- Gosaipur, P.S.- Ahiyapur, District- Muzaffarpur.

---- Petitioner.

Vs

The State of Bihar ---- Prosecution.

(In connection with Sadar P.S Case No. 563/2019)

Counsel for the petitioner : Sri Mukesh Kumar, Ld. Advocate

Counsel for the State : Sri Ram Narayan Rai, Ld. A. P. P.

O R D E R

Date : 09/06/2026

1. The above named petitioner seeks "Anticipatory Bail" in connection with **Sadar P.S Case No. 563/2019** for offences punishable u/ss 420,379 of IPC and due to apprehension of his arrest in this case. Copy of the same to be send to Ld. Addl.P.P. on behalf of State.
2. The learned counsel for the petitioner has submitted that the petitioner is innocent and has committed no offence and has falsely been implicated in this case and has got no criminal antecedent. It is further submitted that the petitioner does not know anything about the occurrence and he only recalls that on 16.08.2019, one person requested the petitioner to give his mobile for calling his family members in dire need and misused his mobile phone and due to misuse of the mobile phone of the petitioner by stranger, the petitioner has been facing this case and has no intention to make alleged transfer of money through his mobile phone. It is further submitted that he did not know much to operate the mobile phone and also knows nothing about the act and modus-operandi of transferring money through unknown account. Hence, prayed for anticipatory bail.
3. On behalf of, the Ld. A.P.P. for the State has opposed the prayer for anticipatory bail.
4. That prosecution story in brief of the informant Ramashray Mahto is that on 16.08.2019, he received a text message on his mobile no. 8252849719 stating that an amount of Rs. 40,000/- had been transferred but he did not initiate or authorize the transaction. It appears that the said amount was transferred by an unknown person. Upon noticing this unauthorized activity, he immediately notified his bank branch and got both his bank account and ATM card blocked to prevent further fraud.
5. Having considered the submission made by the rival of the parties and material available on record it appears that Rs. 40,000/- transferred from the account of the informant to the account of petitioner without his consent. The petitioner is the direct beneficiaries of Rs. 40,000/- since 16.08.2019 and the informant suffer loss of that account. It further appears that the petitioner has not interested to return the

deposit amount from original account till yet. Therefore, it is clear that the petitioner got unlawful gain of Rs. 40,000/- from the informant of the case, due to his illegal activities.

6. Having considered the submissions of the learned counsel of petitioner and fact and circumstances of the case. I am inclined to grant the anticipatory bail of the petitioner for some conditions that before filing of his bail bond before the trial court, he shall deposit the transacted amount of Rs. 40,000/- in the original account of the informant with 10 % S.I. per annum from the date of transacted amount in his account dated 16.08.2019.

7. It is hereby directed that in the event of arrest or surrender before the learned Court below within 30 days from the receipt of a copy of this order, the petitioner shall be released on bail on furnishing bail bond of Rs.10,000/-(rupees ten thousand) with two sureties of the like amount each with satisfaction of the learned trial court.

Dictated

Sd/-

Additional Sessions Judge- 2nd
Muzaffarpur