

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26856 of 2015

Arising Out of PS.Case No. -480 Year- 2013 Thana -GANDHIMAIDAN District- PATNA

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Birendra Kumar, son of Sri Ganesh Prasad Gupta, resident of Village-
Sondiha, Police Station- Pasraha, District-Khagaria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Manoj Kumar-I(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 28-07-2015

Heard learned counsels for the petitioner

and the State.

The petitioner is languishing in custody since 27.03.2014 in a case registered for the offences punishable under Sections 379, 420, 467, 468, 471 and 120B of the Indian Penal Code.

The prosecution case as per the written report dated 20.11.2013 of one Ajay Kumar, District Planning Officer, Patna, is to the effect that there are several bank accounts of District Planning Section of Patna Collectorate, related to different plan heads. On enquiry being made from Chief Manager, Andhra Bank, Exhibition Road Branch as to



whether the cheque no. 820837 of A/c No. 041810100014833 has been issued by the office of D.M. Patna or not. During clarification it came to light that several cheque leaves are missing though one of the cheques being cheque no. 820829 of A/c No. 041810100014833 Rs.1,51,28,510/- has been withdrawn on 31.10.2013 by a firm M/s. Pentagon Global Solution Limited, Chennai belonging to one T. Mahadevan 10, State Bank Street Chennai 600002. The authorized signatories of A/c No. 041810100014833 are D.M. and District Planning Officer, Patna but the aforesaid cheque was encashed by forging signatures of authorized signatories. It also transpired during enquiry that out of several missing cheque leaves except one as mentioned above none have been encashed, hence, direction was given to the bank to stop payment. On conclusion of the enquiry FIR was lodged against T. Mahadevan. The petitioner was not named in the FIR but during investigation it transpired that petitioner being Nazir of Patna Collectorate was custodian of all documents of Planning Section of the Patna Collectorate.

It is submitted by learned counsel for the petitioner that the petitioner joined as Nazir on 19.09.2013 hence, the alleged cheque went missing during the period of his predecessor Nazir, Vikash Kumar Yadav, who has been

granted bail vide Cr. Misc. No. 11385 of 2015. The FIR was lodged after due enquiry but the petitioner was neither named nor the suspicion was raised against him in the FIR. The admitted case of the prosecution is that cheque was encashed by forging the signatures of D.M. and District Planning Officer. Moreover, the cheque has been encashed by a firm of T. Mahadevan. The petitioner has already been granted bail in connected matter being Gandhi Maidan P.S. Case No. 481 of 2013.

Considering the fact that petitioner is not named in the FIR, the alleged cheque has been encashed by a firm of T. Mahadevan, the investigation has already concluded and the similarly situated co-accused has been granted bail, let the above named petitioner, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Patna in connection with Gandhi Maidan P.S. Case No. 480 of 2013.

(Dinesh Kumar Singh, J)

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