

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50595 of 2015

Arising Out of PS.Case No. -339 Year- 2015 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

=====

1. Rajesh Mahto son Sri Ram Kewal Mahto resident of village - Sitwapur,
P.S. - Shikarpur, District - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Nawal Kishore Prasad(App)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 21-12-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Shikarpur
P.S. Case No. 339 of 2015 registered for the offences punishable
under Sections 420, 467, 468, 471, 379, 120B of the Indian Penal
Code.

Allegedly, from the Government Account with the forge
joint signature of the informant and Nazir amount of Rs.
12,26,000/- has been withdrawn from the State Bank of India,
Narkatiaganj Branch on different dates through bearer cheques.
On 25.07.2015 when pass book was up-dated then several
withdrawals were detected and on inquiry in CCTV footage it was
detected that the petitioner was directing one another man for

withdrawing the amount and then the case was lodged against Nazir of the Block, petitioner, cashier of the bank and other suspects.

Submission is of false implication and that the petitioner has got no concern with those withdrawals, he has not been seen presenting the cheque or receiving the amount, he has gone to the Bank for getting his passbook and passbook of his mother updated vide annexure-2. The petitioner is in custody since 08.07.2015, no incriminating article has been recovered either from his conscious possession or from his house. The informant only with a view to save his skin lodged this false case, the informant and his Nazir have committed bungling but the informant is being saved and innocent petitioner is being harassed. Chargesheet has already been submitted against the petitioner without any cogent and legal material only on the basis of presence of the petitioner in the Bank as shown in CCTV footage and as such the petitioner deserves sympathetic consideration as co-accused Madan Mohan Barnwal has already been allowed pre-arrest bail by another co-ordinate Bench of this Court vide order dated 14.10.2015 passed in Cr. Misc. No.43044 of 2015.

Learned APP opposes the prayer of bail by referring paragraphs no. 14, 41, 47 and 48 of the case diary and submitted

that the petitioner was seen and identified by the witnesses during investigation to be present in the bank at the relevant time and was giving signal to other co-accused.

In the facts and circumstances stated above, considering that the petitioner was not seen presenting the cheque or receiving the amount and only it has come that he was giving signal to co-accused and further considering his detention and nothing has been recovered either from his conscious possession or from his house, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran, Bettiah in connection with Shikarpur P.S. Case No. 339 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

avin/-

U		T	
---	--	---	--