

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33612 of 2014

Arising Out of PS.Case No. -481 Year- 2013 Thana -GANDHIMAIDAN District- PATNA

1. Bhupendra Singh Chopra @ Banti son of Jagir Singh Chopra, resident of Village- Nunudih, Near New Kali Mandir, Police Station- Sudumhid, District- Dhanbad (Jharkhand)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.38671 of 2014

Arising Out of PS.Case No. -481 Year- 2013 Thana -GANDHIMAIDAN District- PATNA

1. Vikash Kumar Yadav son of late Sureshwar Prasad Yadav resident of near T.B. Centre, Dumri Khal, P.O. - BMP-7, Police Station - Katihar, District - Katihar, the then Nazir of District Planning Office, Patna Collectorate.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

with

Criminal Miscellaneous No.40420 of 2014

Arising Out of PS.Case No. -481 Year- 2013 Thana -GANDHIMAIDAN District- PATNA

1. Birendra Kumar Son of Sri Ganesh Prasad Gupta Resident of Sondiha, P.S.-Pasraha, District-Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.33612 of 2014)

For the Petitioner/s : Mr. N.K. Agrawal, Sr.Advocate with
Mr. Arshad Jamal Hashmi

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

(In Cr.Misc. No.38671 of 2014)

For the Petitioner/s : Mr. Rama Kant Sharma, Sr.Advocate
with

Mr. Lakshmi Kant Sharma
For the Opposite Party/s : Mr. Madhuranand Jha(App)
(In Cr.Misc. No.40420 of 2014)
For the Petitioner/s : Mr. Bidhanesh Misra
For the Opposite Party/s : Mr. Mathura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

7 05-05-2015

Heard the parties.

All the three petitioners seek their bail in a case registered under Sections 379, 420, 467, 468, 471 and 120B of the Indian Penal Code.

The District Planning Officer, Patna lodged a case regarding missing of three Cheques bearing No.572561 to 572580, 5772 to 5720 and 820876 to 820829, out of which, three cheques were encashed and about Rs.2 cr.54 lacs were withdrawn by different firms. The informant further alleged that Vikash Kumar Yadav was the former Nazir, whereas Birendra Kumar is the present Nazir, who were the custodian of the cheques and they failed to explain about the cheques. Jagdish Sharma brought the cheque book from the Bank.

Learned counsel for the petitioner Bhupendra Singh Chopra @ Banti submits that the petitioner is not named in the F.I.R. There is absolutely no material against this petitioner except the fact that one Parta Ram @ Pratap disclosed the name of this petitioner and another who handed over the cheque to Vikash Kumar Yadav for encashment. Parta Ram disclosed the name of many persons but thereafter this petitioner was apprehended without any cogent reason.

Learned counsel for the petitioner Birendra Kumar, the present Nazir, has submitted that this petitioner took over the charge of Nazir from Vikas Kumar Yadav on 19.9.2013 and

during his tenure, one cheque of Andhara Bank by which Rs. One crore and fifty one lacs/- was encashed for which Gandhi Maidan P.S.Case No.480 of 2013 was registered, in which accused Vikash Kumar Yadav and Bhupendra Singh Chopra @ Banti have already been enlarged on bail by order passed in Cr.Misc.No.11385 of 2015 and Cr.Misc.No.137900 of 2015.

In the present case, two cheques of Bank of Baroda were encashed but those cheques were encashed before the petitioner took over charge from Vikas Kumar Yadav.

So far as the accused Vikas Kumar Yadav is concerned, learned counsel submits that during the course of investigation, the Investigating Officer has not collected any material to show that this petitioner made any encashment or he is beneficiary of the cheques or the money withdrawn from the cheques. This petitioner has already been enlarged on bail in connection with Gandhi Maidan P.S.Case No.480 of 2013 and he is in jail in this case since 21.11.2013 and charge sheet is submitted.

Considering the facts that on same and similar allegation in which cheque of Andhara Bank was encashed, the petitioners have been granted bail in Gandhi Maidan P.S.Case No.480 of 2013, all the three petitioners, named above, are directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Prabal Dutta, Judicial Magistrate, Ist Class, Patna in connection with Gandhi Maidan P.S.Case No. 481 of 2013, subject to the conditions that the petitioners shall be present in the court below on each and every date during the course of trial.

If the petitioners fail to attend the court proceedings on

two consecutive dates without any reasonable ground, their bail bonds shall stand cancelled.

(Prabhat Kumar Jha, J)

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