

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39450 of 2015

Arising out of PS.Case No. -117 Year- 2011 Thana -ANDER District- SIWAN

Shambhu Nath Tiwari, S/o Late Mahabir Tiwari, resident of village -
Sohagpur, Tola Panditpura, P.S. Hathuwa, District - Gopalganj.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Dewendra Narayan Singh, Advocate.

For the Opposite Party : Mr. Nand Kumar (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-10-2015 Heard learned counsel for the petitioner and learned
counsel for the State

The petitioner is apprehending his arrest in connection
with Andar P.S. Case No. 117 of 2011 for the offences instituted
under Sections 409, 420, 467, 468, 477 and 120(B) of the IPC.

The prosecution story, in brief, is that the main
accusation against the petitioner and others is of making
conspiracy and in furtherance of their conspiracy committed
embezzlement of Rs. 30,04,000/- by withdrawing from the bank
through bearer cheques.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. It is further submitted
that the petitioner has falsely been implicated in the present case.



The present case has been instituted on 26.08.2011. In respect to the same offence, the petitioner had also instituted an FIR dated 12.07.2011 which is Annexure-2 to the present application, i.e., 44 days prior to institution of the present case where the informant of the present case is an accused. The present case has been instituted against the petitioner only for the reason that the informant was made accused by the petitioner vide Annexure-2. The report of the Police Laboratory, CID., Bihar, Patna, discloses that the specimen signature on the Cheque is not of the petitioner, the said report is Annexure-3 to the present application. Annexure-7 is the enquiry report in respect to the departmental enquiry which was initiated against the petitioner. The Enquiring Officer did not find the petitioner to be guilty of the charges levelled against him in respect to the said allegations made in the F.I.R.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of four weeks from today in connection with Andar P.S. Case No. 117/2011 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the

learned C.J.M., Siwan, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

