

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3700 of 2015

Arising Out of PS.Case No. -750 Year- 2008 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

Prabha Shankar Pandey son of Late Nawal Kishore Pandey, resident of
Mohalla Tulsinagar, Bank Colony, P.S. Tilkamanjhi, District- Bhagalpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma

For the Opposite Party/s : Mr. Gajendra Prasad Yadav (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 14-05-2015 The petitioner is apprehending his arrest in connection
with Kotwali P.S.Case No. 750/08 instituted under Sections 409,
419, 420, 422, 423, 467, 468, 471, 474 and 478 of the Indian Penal
Code.

Heard learned counsel for the petitioner and the State.

The prosecution story, in brief, is that as per FIR it
appears that the informant, who the Registrar of T.M.B.
University, Bhagalpur as per the instruction of the Vice
Chancellor, T.M.B.U.Bhagalpur in compliance of the resolution
of the proceedings of the meeting of the Building Committee held
on 12.7.2008, legal opinion was sought from the legal advisor,
T.M.B.U., Bhagalpur and it was opined that FIR may be lodged
against the petitioner and other accused persons for commission



of cheating and forgery and thereafter the present case has been instituted against the petitioner and other two accused. It is alleged that tender was invited for the construction work of Auditorium Building of the University on 6.1.2007 for the estimated cost of Rs. 60,92,378/- and the petitioner offered the lowest rate, hence, the said work was allotted to him. The petitioner deposited earnest money of Rs. 1,21,900/- at the time of submission of tender. It is alleged that after few days the contractor deposited T.D Pass Book of Rs. 305000/- in the office of the University Engineer and agreement was executed. The petitioner gave power of attorney in favour of Ahimanyu Kumar @ Mukesh Kumar. After sometime Abhimanyu Kumar @ Mukesh Kumar requested the Engineering Section to return the Banker's cheque which was deposited earlier and he got it replaced. On verification the T.D. Pass- Book which was deposited later was found to be a fake document because the actual amount of Rs. 5000/- was deposited in the Post office and before the word five thousand the word three lacs and in figure 30 was inserted before 5000 and thus Rs. 5000/- became Rs. 305000/- by interpolation/manipulation in the said Pass- Book.

It has been submitted on behalf of the petitioner that the petitioner has falsely been implicated in the present case.

Whatsoever allegation has been made, as per FIR, is against co accused. It has been further submitted that he is ready to deposit an amount of Rs. 20,000/0 (twenty thousand) , which shall be subject to final disposal of the case.

On behalf of the State, it has been submitted that the petitioner is named in the FIR.

Considering the fact that the petitioner is ready to deposit an amount of Rs. 20,000/- in the court below, which shall be subject to final disposal of the case, let the above named petitioner, in the event of his arrest or surrender in the court below within a period of five weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bhagalpur in connection with Kotwali P.S.Case No. 750/2008, subject to the conditions as laid down u/s 438(2) Cr.P.C.

(Sudhir Singh, J)

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