

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13428 of 2015

Arising Out of PS.Case No. -25 Year- 2012 Thana -HAJIPUR District- VAISHALI(HAJIPUR)

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1. Prabhu Nath Shukla Son of Bharat Shukla resident of Village- Bishunpur
Titara, P.s. Rajapakar, District Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur

For the Opposite Party/s Mr. C.Sen Prasad Singh (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

04/ 03.07.2015 Heard learned counsel for the petitioner as well as learned

Addl. Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with Hajipur
Town P. S. case no. 25/2012 registered under sections 409, 420,
120B/34 of the Indian Penal Code.

The accusation against the petitioner is that he along with
one co-accused Abhishekh Singh withdrew Rs 15/- lakhs from Axis
bank branch Hajipur for depositing the same at different ATMs of the
above stated Axis bank. The aforesaid amount was not deposited in
the said ATMs.

The contention on behalf of the petitioner is that co-accused
Abhishekh Singh and Ramesh Singh were custodian and authorized to
withdraw the aforesaid amount and not only on the particular date of
occurrence but also on different dates, they had withdrawn the cash. It
is further contended that Ramesh Singh happens to be own brother-in-
law of Branch Manager of the concerned bank and that is the reason
the aforesaid Branch Manager, in order to save said Ramesh Singh



implicated the petitioner but in course of investigation, when police interrogated the aforesaid Branch Manager, the concerned Branch Manager admitted that co-accused Abhishekh Singh and Ramesh Singh were custodian and they withdrew the amount by placing their signatures on the withdrawal form though the aforesaid Branch Manager stated that the aforesaid accused withdrew the amount in presence of the petitioner. It is further contended by him that withdrawal form does not contain the signature of the petitioner.

Learned Addl. Public Prosecutor opposed the prayer submitting that cash balance report was prepared by the petitioner and said cash balance report bears signature of the petitioner.

It is admitted case by the informant that amount in question was withdrawn by co-accused Abhishekh Singh as well as Ramesh Singh and not by the petitioner and it is simply stated that the aforesaid withdrawal was made in presence of the petitioner and subsequently, he prepared cash balance report.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that in the event of arrest/ surrender within four weeks from the date of receipt of this order to the concerned court, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Vaishali at Hajipur in Hajipur Town P. S. case no. 25/2012 subject to condition as laid down under section 438(2) of the Cr.P.C.

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(Hemant Kumar Srivastava,J)