IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11059 of 2015

Arising Out of PS.Case No. -601 Year- 2013 Thana -KHAGARIA District- KHAGARIA

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Dablu @ Nirbhay Bharadwaj @ Nirbhay Kumar, Son of Kedar Kumar @ Keshari Kumar, resident of Village - Tulsipur, P.S.-Kharik, District - Bhagalpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Amrendra Kumar, Advocate
For the S t a t e : Mr. Madan Kumar(APP)
For the Informant : Mr. Arun Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

7 27-10-2015 Heard learned counsel for the petitioner and the learned counsel for the informant as well as the learned counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection with Khagaria (Chitragupta Nagar) P.S. Case No.601 of 2013, G.R. No.2097/2013, for allegedly having committed the offence under Sections 406, 420, 467, 468, 471 and 506 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a cousin brother of the informant. Learned counsel further submits that the entire allegation against the petitioner is false and fabricated and has been motivated by certain inimical force within the family, who are hell-bent to tarnish his image. It is further submitted that the informant has not given any clear information in the F.I.R., rather it is only on false and vague statement, that the petitioner is facing prosecution.

Learned counsel appearing on behalf of the informant submits that the petitioner was being given bulk amounts in good faith by her so that the petitioner could deposit the same in the L.I.C. or in the Post Office Bank account of the informant. However, when she realized that the same has not been deposited, she has initiated the present prosecution. Learned counsel for the informant further submits that the petitioner has been regularly taking payments from the informant for depositing in the post office Bank account.

So far as the deposits as claimed by the petitioner with the L.I.C., the petitioner has not done so and the rest Rs.3,00,000/- have been misappropriated. In fact, the L.I.C. amount were paid to another Agent and not this petitioner.

Case diary in the present case was called for, which has since been received.

Learned counsel appearing on behalf of the State after perusing the case diary submits that the prosecution has been unable to connect the chain of events and there is no positive material on the record so as to indicate that the money was handed over to the petitioner in cash by the informant.

Considering the vague nature of allegations made and that the petitioner is a close relative of the informant and undertakes to present himself for all possible investigations, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 the learned Chief Judicial Magistrate, Khagaria, in connection with Khagaria (Chitragupta Nagar) P.S. Case No.601 of 2013, G.R. No.2097/2013, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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