IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24500 of 2015

Arising Out of PS.Case No. -12 Year- 2014 Thana -AMNAUR District- SARAN

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1. Hareshwar Singh S/o Late Ram Niwas Singh
2. Neelam Devi @ Nirmala Devi @ Nilam Singh W/o Hareshwar Singh Both Resident of Village Dharhara, P.S. Annaur, District Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Chandra Bhushan Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 17-07-2015 Heard learned counsel for the petitioners, the informant and the State.

The petitioners are apprehending his arrest in a case instituted under Sections 420, 467, 468 and 120(B) of the Indian Penal Code.

The prosecution story, in brief, is that as per complaint, the complainant came Dharahara Kala Branch Post Office along with his father, wife and other family members where petitioners were present along with co-accused Neeraj Kumar Singh. On 24.5.2011 complainant gave Rs. 50,000/- to petitioner no.2 for deposit and petitioner no.1 received Rs. 50,000/- and issued pass book, vide khata no.12382. It has also been alleged that the complainant also gave Rs. 16,000/- for depositing money in the name of his father and Rs. 7,000/- in the name of Manju Devi and after receiving the money, pass book was issued vide Khata nos. 12379 and 12381. It is further alleged that petitioner no.2 received money from the father of complainant to the tune of Rs. 38,000/-.Rs. 27.000/- and Rs. 7,000/- on 1.10.2011 for depositing the money and after receiving the money, petitioner no.1 has issued pass book, vide Khata nos. 12769, 12770, 12771. It again alleged that petitioner no.2 received money from the father of the complainant on 27.12.2012 to the tune of Rs. 50,000/- and petitioner no.1 issued pass book, vide Khata no. 12903. It is further alleged that Neelam Devi received money from complainant, complainant's father and other members of complainant's family to the tune of Rs. 30,000/-, Rs. 4,000/-,Rs. 40,000/- and Rs. 1,00,000/-, Rs. 85,000/- for fixed deposit and petitioner no.2 handed over aforesaid money to petitioner no.1 and after receiving the money petitioner no.1 has issued pass book with signature. When the complainant cam to know that the money was not deposited in post office and fake pass book have been issued by petitioner no.1 then on 16.10.2013 complainant went at the door of accused and demanded his money then petitioners refused his money and also abusing the complainant.

It has been submitted on behalf of the petitioners that the petitioners have been made accused due to mistake of fact. It is further submitted that no wrongful gain has been made on their part. It has been further submitted that the petitioners have got no criminal antecedent. Further, it has been submitted that the petitioners are ready to deposit an amount of Rs. 1 lac in the court below, which shall be subject to final disposal of the case.

On behalf of the State and the informant, it has been submitted that the petitioners are named in the FIR and there is specific allegation of fraud and cheating against them.

Considering the aforesaid facts, the above named petitioners are directed to deposit an amount of Rs. 1 lac in the court below, which shall be subject to final disposal of the case, and on doing so, in the event of their arrest or surrender in the court below within a period of four weeks, they shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Dharmendra Tiwary, Judicial Magistrate, Chapra at Saran in connection with Amnaur P.S.Case No. 12 of 2014, subject to the conditions as laid down u/s 438(2) Cr.P.C.

(Sudhir Singh, J)

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