

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31210 of 2015

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

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Arbind Kumar, son of Baleshwar Prasad Singh, resident of Village -
Narsinghpur, Police Station - Barbigha, District - Sheikhpura.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ramakant Sharma, Sr. Advocate.

For the Opposite Party : Mr. M.Haque(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 31-07-2015 The petitioner is apprehending his arrest in connection
with Kotwali (Bhagalpur) P.S. Case No. 750 of 2008 for the
offences instituted under Sections 409, 419, 420, 422, 423, 467,
468, 471, 474 and 478 of the IPC.

Heard learned counsel for the petitioner and learned
counsel for the State.

The prosecution story, in brief, is that one Upendra Sah,
Registrar, Tilka Manjhi University, Bhagalpur, gave a written
report before the officer-in-charge, University Police Station,
Bhagalpur, on 06.11.2008 alleging therein inter alia that T.M.
Bhagalpur University had invited tenders for the construction of
P.G. Block of the University in which two persons had submitted
tenders, Sri Arbind Kumar(petitioner), whose rate was the lowest,
was allotted the work in his favour by the building committee of



the University. At the time of submission of tender, Sri Arbind Kumar had deposited a sum of Rs. 98,000/- which was 2% of the estimated cost of Rs. 48,85,000/- through a banker's cheque. After acceptance of tender, the contractor had to deposit the amount of 5% of the work allotted amount minus Rs. 98,000/- as balance earnest money. The contractor Sri Arbind Kumar deposited N.S.C. of Rs. 1,76,000/-. The contractor entered into agreement agreeing to complete the work within the specified period. After execution of the agreement the contractor executed a power of attorney in favour of one Sri Abhimanyu Kumar @ Sri Mukesh Kumar to execute the work on his behalf and empowered him to deal with the construction work, money transaction etc., Further Sri Abhimanyu Kumar @ Sri Mukesh Kumar produced a T.D. Passbook of Rs. 2,74,500/- and requested the University Engineer to return the Banker's cheque of Rs. 98,000/- and NSC of Rs. 1,76,000/- which was deposited earlier. Sri Abhimanyu Kumar @ Sri Mukesh Kumar any how managed to get it replaced after about two years without any permission of the competent authorities by placing a T.D. Passbook of Rs. 2,74,000/-. Further, on enquiry it transpired that it was the T.D. Passbook of Rs. 4500/- only and by interpolation/manipulation in the T.D. Passbook before the figure of Rs. 4500/- additional figure of 27 was manipulated and thus it became Rs. 2,74,500/- for serving their purposes to cheat the



University by presenting a fake document. It has further been alleged that another tender was invited for the construction work of auditorium building of the University for the estimated cost of Rs. 60,92,378/- which was allotted to Sri Prabha Shankar Pandey. He deposited the earnest money of Rs. 1,21,900/- at the time of submission of tender through Banker's cheque. After few days he deposited a T.D. Passbook of Rs. 3,05,000/- in the office of the University Engineer and agreement was executed. Thereafter, he gave power of attorney in favour of Sri Abhimanyu Kumar @ Sri Mukesh Kumar authorizing him to execute the work on his behalf. After some time, Sri Abhimanyu Kumar @ Sri Mukesh Kumar requested the engineering section to return the Banker's cheque deposited earlier. Accordingly, he got it replaced the Banker's cheque of Rs. 1,21,900/-. On verification, the T.D. Passbook deposited later was found to be a fake document because the actual amount of Rs. 5000/- only 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. 3,05,000/- by interpolation/manipulation in the T.D. Passbook for serving their purpose, wrongful gain and to cheat the University, Hence., it makes it obvious that all this was done purposely and deliberately in order to cheat the University. Hence, an F.I.R. may be registered.

It has been submitted on behalf of the petitioner that earlier the petitioner had filed an application for grant of anticipatory bail but his anticipatory bail application was rejected vide Annexure-1. The petitioner has again preferred an application for grant of anticipatory bail. I do not find any reason for interfering in the earlier order of this Court.

It has further brought to the notice that other co-accused has been granted anticipatory bail by this Court but his case was not rejected by this Court. Hence, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in Kotwali(Bhagalpur) P.S. Case No. 750 of 2008, pending in the court of the learned C.J.M., Bhagalpur. Anyhow, if the petitioner surrenders in the learned court below within a period of four weeks from the date of receipt/production of copy of the order the same shall be considered on its own merit without being prejudiced by this order taking into the fact that other co-accused has already been granted anticipatory bail by this Court.

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(Sudhir Singh, J)