

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44357 of 2015

Arising Out of PS.Case No. -498 Year- 2015 Thana -BETTIAH TOWN District-  
WESTCHAMPARAN(BETTIAH)

1. Anil Kumar.  
2. Sunil Kumar. Both sons of Jamadar Prasad, resident of village- Dumri,  
Police Station- Jogapatti, District- West Champaran at Bettiah.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj

For the Opposite Party/s : Mr. U.S.P Singh (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL  
ORAL ORDER

4 22-02-2016 Heard learned counsel for the petitioners and learned  
A.P.P. for the State.

The petitioners apprehend their arrest in connection  
with Bettiah Twon P.S.Case No. 498 of 2015 registered for  
offences punishable under Sections 379, 467, 468 and 471/34 of  
the I.P.C.

The prosecution case as per the F.I.R. is that the  
petitioners are the nephews of the informant and the informant  
used to keep them at his residence as and when he had to go out-  
side from his house. On 28.07.2015 he received message on his  
mobile from the H.D.F.C. Bank about bouncing of cheque No.  
000006 of Rs. 17, 00,000/- issued by his wife Geeta Devi. The



informant asked from his wife about the said cheque but she denied about the issuance of same and thereafter informant contacted with the Manager of the Bank, who showed the cheque to the informant and on verification, informant found that the cheque was issued under forged signature of his wife in favour of Vikash Construction Company and the proprietor has committed such forgery with a view to cause monetary loss to him. It has further been alleged in the F.I.R. that informant earlier had gone away from his house with his family on the occasion of marriage of his niece and on 30.04.2015 he had sent his other nephews Pawan Kumar and Sipahi to Bettiah for purchasing some materials and when they came at his residence, they saw the petitioners along with 3-4 persons coming down from the verandah of the quarter of the informant. On 02.5.15 when the informant came from his village to his quarter then he did not find cash of Rs. 2, 50,000/- kept by his wife in her purse. The informant further alleged that petitioners fraudulently got prepared duplicate key of his quarter and have committed such offence.

It has been submitted by the learned counsel for the petitioners that they are innocent and committed no offence and have been falsely implicated in the aforesaid case. It has further been submitted that against the incident of 02.5.2015

of missing money from the purse of the informant's wife, no F.I.R. has been lodged and neither F.I.R. has been lodged against missing of the cheques, rather the present F.I.R. has been lodged on 01.08.2015, which is after much delay.

Furthermore, it has been contended by the learned counsel for the petitioners that the informant and the petitioners were on cordial terms and the petitioners supplied chips, for which there was some dispute and thus now being on inimical terms, this false case has been instituted against them. In fact Complaint Case No. 1029 ( C ) of 2015 has been lodged by the petitioner No. 2 against the informant.

On the other hand, learned A.P.P. submits that the petitioners are named in the F.I.R.

Since F.I.R has been lodged after much delay of missing cheques, under such circumstances, let the petitioners above named, in the event of their arrest or surrender before the Court below within a period of eight weeks from today be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah Town P.S.Case No. 498 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.

C.

However, since both the petitioners are accused in several cases, as is evident from para-3 of the petition, if the petitioners indulge in a case of similar nature as the present one in future, learned Court below will be at liberty to cancel the bail bonds of the petitioners without being prejudiced by this order.

**(Nilu Agrawal, J)**

Sudha/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|