

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37659 of 2016

Arising Out of PS.Case No. -141 Year- 2015 Thana -SACHIWALAYA District- PATNA

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1. Rambabu Singh S/o Late Narendra Prasad Singh Resident of Village - Semariya, P.S. - Koilwar, District - Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Mishra

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 17-10-2016

Heard both sides.

The petitioner is alleged to have defrauded and cheated the Patna Municipal Corporation (for short ‘the Corporation’) and is facing prosecution under Sections 419 and 420 of the IPC vide Sachivalaya P.S. case no. 141 of 2015.

A cheque in the name of Ram Ishwar (Safai Karamchari) was drawn and one person became claimant. The officer suspected him and enquiries were made whereafter it was revealed that he was not Ram Ishwar but son-in-law of the petitioner. The petitioner was called upon in the office whereafter he stated that Ram Ishwar being his cousin was an employee and was ailing. Subsequently it was informed that Ram Ishwar had died in July, 2015. The authorities verified the records and found

that Ram Ishwar was never an employee posted at Bansghat. The records further revealed that two accounts having the photograph of the petitioner but in the name of the petitioner and one Ram Ishwar existed in the records of the Corporation. On the basis of the aforesaid, the FIR was lodged.

The contention of the petitioner is that Ram Ishwar was an employee of the Corporation and he was ailing, and as such, his son-in-law had gone to receive the cheque drawn in the name of Ram Ishwar. Petitioner is an ex-employee of the Corporation.

Learned APP opposed the prayer and submitted that from the sequence of events spelt out in the FIR, it would reveal that the petitioner had not only impersonated but cheated the Corporation.

Considering the seriousness of the allegations and the facts emanating from the records, I am not persuaded to extend him the privilege of anticipatory bail. Prayer is, accordingly, rejected.

(Kishore Kumar Mandal, J)

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