

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37465 of 2016

Arising Out of PS.Case No. -577 Year- 2016 Thana -SASARAM NAGAR District- SASARAM
(ROHTAS)

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Ramesh Singh S/o Sri Ram Ekbal Singh

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar

For the Opposite Party/s : Mr. Sri Manish Kumar 2

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 18-10-2016

Heard both sides.

The petitioner apprehends his arrest in Sasaram Town P.S. case No. 577 of 2016 under Section 420, 467, 468, 471 of the Indian Penal Code.

Chief Manager, State Bank of India, Sasaram branch submitted a written report alleging therein that he received a cheque bearing No. 290697 dated 15.06.2015 issued by HBL Power Systems Ltd. in favour of Manbhawan Traders of Rs. five crore for clearance through Punjab National Bank, Usraon, Kochas branch. On enquiry, it was found that HBL Power Systems Ltd. did not issue any cheque in favour of Manbhawan Traders and the cheque was fake.

Sri Suraj Narayan Prasad Sinha, the learned senior counsel for the petitioner, submits that petitioner, of course,



presented the cheque in the Punjab National Bank for its clearance but one Raman Singh handed over the cheque to the petitioner for purchasing lands. During the course of investigation, different witnesses in paragraphs 22, 23 and 24 of the case diary stated the facts. It is further submitted that the Investigating Officer has not enquired from the HBL Power Systems Ltd. It has not come that the cheque was forged or fake but from perusal of the FIR and the case diary, it appears that it was the petitioner who presented the cheque in the Punjab National Bank for getting the money in his account. Punjab Nation Bank, Usraon, Kochas branch sent the cheque to the State Bank of India, main branch, Sasaram for clearance but on enquiry it was found that HBL Power Systems Ltd. did not issue any cheque in favour of Manbhawan Traders and the aforesaid cheque bearing No. 290697 is fake one. The officers of the Bank have also stated that the cheque is forged one. The petitioner made attempt to defraud the bank but it was detected in time.

Considering the facts aforesaid and the fact that petitioner made attempt to defraud the bank by withdrawing Rs. 5 crores, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, i.e.,

the learned Chief Judicial Magistrate, Rohtas at Sasaram in Sasaram Town P.S. case No. 577 of 2016, and prays for regular bail, the learned court below shall consider the prayer for regular bail of the petitioner on its own merit.

(Prabhat Kumar Jha, J)

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