IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16224 of 2016

Arising Out of PS.Case No. -503 Year- 2015 Thana -HILSA District- NALANDA (BIHARSHARIFF)

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Om Prakash Kumar son of Sri Suresh Prasad Resident of Village Goura Tola Bhat Bigha P.S. Hilsa, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Branch Manager, Bank of India, Hilsa Branch, Distt- Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Adv.
For B.O.I. : Mr. Rupak Kumar, Adv.
For the Opposite Party/s : Mr. Anil Kumar Singh 1(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

4 13-07-2016 Heard both sides.

The petitioner apprehends his arrest in Hilsa P.S. Case No. 503/2015, registered for the offences punishable under Sections 467, 468, 471, 420, 120B of the Indian Penal Code.

Three persons namely, Subodh Kumar, Ranjit Kumar and Om Prakash Kumar (petitioner) opened their accounts in Bank of India, Branch – Hilsa and deposited Rs. 1,74,260/-, Rs. 143,000/- and Rs. 1,86,460/- respectively and withdrew the amount, but it was found that the cheques were not issued by them and on the basis of the forged cheques huge amount was withdrawn.

It is submitted that the petitioner is the account holder, but he had given the account number to his friend Manish Kumar.

It is submitted that Manish Kumar might have committed forgery in depositing the forged cheques and withdrawing the amount. It is further submitted that on same and similar allegation Subodh Kumar and Ranjit Kumar have already been granted anticipatory bail by the learned Ist Addl. District & Sessions Judge, Hilsa, but it appears that learned Addl. District & Sessions Judge, Hilsa has committed material irregularity in granting anticipatory bail to Subodh Kumar and Ranjit Kumar. Subodh Kumar and Ranjit Kumar had given their account number to Manish Kumar and Sanjiv Trivedi and blamed them for withdrawal of money, but it appears that it was the petitioner, who fraudulently withdrew the amount from his own account after depositing forged cheque in his account.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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