

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31951 of 2016

Arising Out of PS.Case No. -123 Year- 2016 Thana -RAJAULI District- NAWADA

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Rajiv Ranjan, S/o Chotelal Singh, R/o- vill Paharpur,P.S.- Akbarpur, Distt.- Nawada.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Amresh Kumar Sinha, Advocate

For the Opposite Party : Mr. Sri Anant Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 17-09-2016 Heard learned counsel for the petitioner and the learned
counsel representing the State.

The petitioner seeks bail in connection with Rajuali P.S
Case No.123 of 2016 registered for the offences punishable under
Sections 420 and 379 of the Indian Penal Code.

Allegedly, after receiving complaint from S.B.I., Gujarat
Branch through mobile No. 760040380 that account holder of Account
No. 35276934800 has been cheating several persons and on enquiry it
was found that said account is in the name of Narender Upadhyay and
then the Bank closed the said account and thereafter on 07.06.2016 the
petitioner came in the bank and enquired about the account, who was
caught and detained by bank official and the petitioner told then that
Narender Upadhyay, who is his villager has sent him to enquire about
the account and petitioner was locked inside the bathroom in the Bank

and from inside bathroom the petitioner threw out two ATM cards and Rs. 1,000/- which was collected and later on handed over to the police.

It is alleged that petitioner and others were cheating another persons by taking amount by the said account.

Submission is of false implication and that nothing has been recovered from the possession of the petitioner. He is not an account holder rather the account stands in the name of Narender Upadhyay. He only on instruction has came into the bank to enquire in the said account, but he has been dragged in the present case. The prosecution story is not reliable and provable, it is not believable that two ATM cards and cash of Rs. 1,000/- were thrown from the window. The petitioner was remanded to judicial custody on 09.06.2016 whereas he was handed over to the police on 07.06.2016. The petitioner is man of means having roots in society and there is no chance of flee away from course of justice if released on bail. He is custody since 09.06.2016, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, he deserves sympathetic consideration.

Learned A.P.P. opposes the prayer of bail by submitting that after investigation it was found that in the name of Narender Upadhyay, there is no one and it was the petitioner, who opened forged account in the name of Narender Kumar Upadhyay with motive to cheat the innocent persons.

In the facts and circumstances stated above, considering

that chargesheet has already been submitted and there is no chance of tempering with the prosecution evidence and, as such, the petitioner shall be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada, in connection with Rajauli P.S. Case No. 123 of 2016, subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

Rajiv/-

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