IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29815 of 2016

Arising Out of PS.Case No. -196 Year- 2014 Thana -JOKIHAT District- ARRARIA

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1. Suman Kumar @ Suman Kumar Mehta, Son of Sri Ravindra Prasad Mahto, resident of Village Banyapatti, Police Station K. Nagar, in the district of Purnea, presently posted as Accountant at Bank of Baroda, Dharanpur, Police Station Dharampur, in the district of Valsad in the State of Gujarat.

.... Petitioner/s

Versus

1. The State of Bihar,
2. Md. Meraj Alam, Son of Mr. Waziuddin, Resident of Village Taran, Police Station- Jokihat , in the District of Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma, Adv.

For the Opposite Party/s : Mr. Dr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 09-09-2016 Heard both sides.

The petitioner apprehends his arrest in Jokihat P.S. Case No. 196/2014, registered for the offences punishable under Sections 406, 420, 504 and 506 of the Indian Penal Code.

The informant filed complaint case on the basis of present F.I.R. is lodged. The informant alleged that he got saving bank account no. 236202000068589 in Bank of Baroda at Taran Branch. He has got good relation with the Branch Manager and whenever there is crowd he used to hand over the money along with filled up deposit form to the Branch Manger and the Branch Manager used to deposit the amount in his account and give him the receipt after depositing the amount. On 06.06.2014 the informant gave Rs. 2,21,000/- to the Branch Manager with filled up deposit form, but he did not receive any message till the evening and the Branch Manager also did not hand over the deposit receipt.

Learned counsel for the petitioner submits that the occurrence took place on 06.06.2014, but the complaint petition was filed on 11.06.2014 i.e., after five days of the occurrence. The informant applied for grant of loan of Rs. 45,00,000/-, but the bank refused to grant loan to the informant and that is why the informant filed this false and frivolous case. There is no chit of paper to show that the petitioner received any money from the informant.

Considering the facts aforesaid and the fact that the informant has not filed any chit of paper to show that he gave money to the Branch Manager with deposit form to deposit the amount in his account, the petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Araria in connection with Jokihat P.S. Case No. 196/2014, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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