

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.101 of 2016

Arising Out of PS.Case No. -201 Year- 2015 Thana -MAUZAHDIPUR District- BHAGALPUR

1. VINAY KUMAR SAH @ B. KUMAR @ VINAY JEE @ BINAY KUMAR Son of late Satya Narayan Sah @ Satto Sah Resident of Village- Makwa, Police Station- Asarganj, District Munger. At Present resident of Mohalla- Hasanganj, Mirjanhat Road, Police Station - Mojahidpur(Babarganj), District Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Makardhwaj Upadhyay
Mr. Rajendra Prasad Sah
For the State : Mr. Md. Fahimuddin, APP
For the informant : Ms. Sushmita Mishra

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 11-03-2016 Heard learned Counsel for the petitioner, the informant and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Mojahidpur (Babarganj) Police Station Case No. 201 of 2015, disclosing offences under Sections 420, 467, 468 and 506 of the Indian Penal Code.

It is alleged against the petitioner that by way of inducement, he cheated the informant and on the basis of forged signature of one Sadanand Pandey, he appropriated huge amount of money.

Learned Counsel appearing on behalf of the



petitioner, referring to the letter, dated 17.10.2015, addressed to the City Superintendent of Police, Bhagalpur, submits that there is no specific amount mentioned, which according to the informant, the petitioner has misappropriated. He further submits that no date of such transaction has been mentioned in the said letter.

Learned Counsel appearing on behalf of the informant has submitted, on the other hand, that despite several attempts, since the police were not registering the First Information Report on the basis of the earlier written report of the informant, dated 16.06.2015 and subsequently on 23.07.2015, the letter, dated 17.10.2015, addressed to the City Superintendent of Police, Bhagalpur, was the basis for registering the First Information Report. She contends that in the earlier communications, there is specific mention of the amount embezzled by the petitioner with specific date and the manner. She further contends that the police is also in collusion with the petitioner. She has also submitted that the petitioner is having so many alias names as is evident from the cause tile of the present application, though no such alias names have been mentioned in the vakalatnama, which shows his lack of bonafide.

However considering the fact that the dispute

appears to be civil in nature, though having criminal liability also, this application is allowed.

Let the petitioner, Vinay Kumar Sah @ B. Kumar @ Vinay Jee @ Binay Kumar, in the event of his arrest or surrender before the Court below within four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, in connection with Mojahidpur (Babarganj) Police Station Case No. 201 of 2015, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

This is subject to the further condition that one of the bailors of the petitioner must be an employee of the State of Bihar.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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