IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39054 of 2016

Arising Out of PS.Case No. -182 Year- 2016 Thana -KADAMKUAN District- PATNA
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1. Ajay Kumar, son of Fauzidar Ram, resident of Village- Sultanpur, P.S.- Baghaila, District- Rohtas, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s
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Appearance :
For the Petitioner/s : Mr. Rajesh Kumar Singh
For the Opposite Party/s : Mr. Sri Shailendra Kumar Singh
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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 22-11-2016 Heard both sides.

The petitioner seeks bail in Kadamkuan P.S. case No. 182 of 2016 under Section 419, 420, 468, 472, 409 and 120B of the Indian Penal Code.

The informant, Accountant of Bihar State Sports Authority, alleged that from the account of Bihar State Sports Authority a sum of Rs. 12,66,440/- was fraudulently withdrawn vide cheque Nos. 2864, 2866, 2868 and 2867 on 21.04.2016, 22.04.2016 and 26.04.2016. On 27.04.2016 cheque No. 3330 was submitted in the account of Sanjeev Kumar for Rs. 3 lacs but during the course of enquiry by the bank officials it transpired that no such cheque was issued from the Bihar State Sports Authority. Similarly, on the same date cheque No. 3329 for Rs. 4,66,400/-

was attempted to be withdrawn but the amount could not be withdrawn. On the basis of aforesaid allegation, the present case was registered against unknown. During the course of investigation, the petitioner was apprehended and it transpired that vide cheque No. 2864 dated 21.04.2016 Rs. 1,88,400/- was debited from the account of Bihar State Sports Authority and credited in the account of unknown person bearing account No. 50306153798. In the aforesaid account mobile No. 9525859588 was given. During the course of investigation, it transpired that petitioner was in possession of the aforesaid mobile from February, 2016 to April, 2016. Mobile No. 9507708213 was also issued fraudulently in the name of Srikant Singh and the same was recovered from the petitioner.

The learned counsel for the petitioner submits that the aforesaid mobile is of Dharmendra Singh, who happens to be brother-in-law of the petitioner. The petitioner does not own any account in any bank. He is an employee in Bihar Fire Service.

It appears that it has not come anywhere that the account in which Rs. 1,88,400/- was deposited belongs to the petitioner. The petitioner has not withdrawn any amount through the cheque alleged to have been fraudulently issued by the Bihar State Sports Authority. The petitioner is in jail since 03.06.2016.

The petitioner has already remained in jail for about five and half months.

Considering the facts aforesaid and the nature of allegation made against the petitioner, the above named petitioner 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 the learned Judicial Magistrate, 1st class, Patna in Kadamkuan P.S. Case No. 182 of 2016.

(Prabhat Kumar Jha, J)

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