

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10972 of 2017

Arising Out of PS.Case No. -516 Year- 2015 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

=====

Kislay Kumar, son of Late Pramod Kumar Shahi, resident of Village-
Panthpakar, P.S.- Bathnaha, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ram Naresh Choudhary, son of Late Sokhi Lal Choudhary, resident of
Village- Megpur, P.S.- Sursand, District- Sitamarhi (Complainat)

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Shantanu Kumar

=====

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

4 10-05-2017 Heard the learned counsel for the petitioner, the

learned A.P.P. for the State as also the learned counsel appearing

on behalf of the opposite party no.2.

In this application for anticipatory bail the petitioner
apprehends his arrest in connection with Complaint Case No. C-1/
516 of 2015 for the offences punishable under sections 409, 406,
420, 120-B, 467, 468 and 471 of the I.P.C.

The complainant filed this complaint case alleging
that under criminal conspiracy and after forging the signature of
the complainant, from the Account No.7674 which was jointly
opened in the name of the Chairman and the complainant,



withdrew the amount of Rs. 4,99,200/- for which the informant has got no knowledge and the petitioner got implicated the complainant in Sursand P.S. Case No. 27 of 2015 and got him arrested and after bail the complainant enquired the matter and then filed this complaint case.

Submission is of false implication and that Account No. 7674 is the personal account of the complainant, whereas, Account No. 17 is a joint account of the complainant and the Chairman only with a view to take revenge, by way of counter blast this complaint case has been filed with wrong allegation, the Branch Manager of Sitamarhi Central Cooperative Bank, Sursand Branch has submitted report vide Memo No. 101 dated 15.12.2015 to the Sub. Divisional Judicial Magistrate, Pupri, no offence as alleged has been committed by the petitioner and he has been implicated falsely and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the opposite party no.2, on the other hand, submits that the petitioner and other co-accused under criminal conspiracy misappropriated the amount and got implicated the complainant in a false case.

In the facts and circumstances as stated above,



considering that earlier Sursand P.S. Case No. 27 of 2015 has been filed against the complainant and others and thereafter this complaint case has been filed by way of counter blast and as such the petitioner, in case of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall 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. S.D.J.M, Pupri at Sitamarhi in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

Abhay/-

U		T	
---	--	---	--

