

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49343 of 2016

Arising Out of PS.Case No. -219 Year- 2016 Thana -DHAKA District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Ram Bihari Verma S/o Ram Narayan Lal, Resident of Village-
Turkaulia, P.S. Turkaulia, Dist.- East Champaran at Motihari.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anang Mohan Sinha, Advocate
For the Opposite Party/s : Mr. Anuj Kumar Srivastava, APP
For the Informant : Mr. B.K.M. Tripathi, Advocate
Mr. Abhishek Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 02-03-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 420/409 of
the Indian Penal Code.

The informant was the then Mukhiya when the
petitioner was a Panchayat Secretary.

As per rule the public money was to be withdrawn
by signature of both the Mukhiya and the Panchayat Secretary.
However, allegation is that the petitioner forged signature of
Mukhiya and withdrew money through fifteen different cheques.

Contention of the petitioner is that the bank officials



are not accused. If the matter had been of withdrawal of one cheque it might be said that the same missed the eyes of bank authorities but allegation is that fifteen cheques were withdrawn, hence, connivance of bank authorities is apparent. Contention is that in fact both the petitioner and the informant had signed on the cheques and money was withdrawn for public work. However, after transfer of the petitioner from there and election of the wife of the informant as Mukhiya, the present false case has been lodged to save the skin.

On the other hand, learned counsel for the informant opposes the prayer on the ground that Annexure-A and Annexure-1 series to the supplementary affidavit, filed on behalf of the petitioner, would reveal that the Mukhiya had ordered for issuance of cheque of Rs.7,500/-, however, money was withdrawn by the petitioner was Rs.15,000/- and such discrepancy could be found in other withdrawals also.

Considering the entire facts as well as the fact that the genuineness of the signature of the informant, on the withdrawal cheque, is still to be established, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of



Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sikrahana, Motihari/Successor Court in connection with Dhaka Police Station Case No. 219 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure. With further condition that petitioner shall fully cooperative with the investigation of the case and shall make himself available for completion of the investigation as and when required by the Investigating Officer.

Mkr./-

(Birendra Kumar, J)

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

