

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28830 of 2017

Arising Out of PS.Case No. -503 Year- 2015 Thana -HILSA District- NALANDA
(BIHARSHARIFF)

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Om Prakash Kumar Son of Suresh Prasad, Resident of Village- Goura Tola
Bhat Bigha, P.O.- Kaliyachak, P.S.- Hilsa, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Branch Manager , Bank of India, Hilsa, District- Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa

For the Opposite Party/s : Mr. Sri Kanhaiya Kishore

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

4 20-07-2017 Heard learned counsel for the petitioner, State and the

counsel appearing on behalf of the informant bank.

Allegation against the petitioner is that he was involved in banking transaction. It appears that three persons were named in the FIR they deposited a huge amount in their bank accounts in a clandestine manner through different cheques and later the same was encashed by them.

From the FIR, it is crystal clear that the bank is involved in the entire transaction as the cheque amount could not have been transferred in favour of these persons without the connivance of the bank as the transaction require proper verification at various level in the Bank.



The bank has lodged the present case against three persons including this petitioner.

Counsel for the petitioner submits that two other accused have been granted anticipatory bail in view of the fact that the bank was involved in the entire transaction and the bank has not taken precaution in transacting the business and CCTV footage was not produced in the instant case.

Be that as it may, the allegation against the petitioner is that the cheque amount of Rs. 1, 86, 460/- was deposited in the account of the petitioner like other co-accused and the amount was siphoned by practicing fraudulent means.

Since other co-accused have been granted anticipatory bail by the court below as such on the ground of parity and also considering the fact that investigation is complete and the charge-sheet has been submitted in this case, I am inclined to enlarge the petitioner, named above, 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 A.C.J.M., Hilsa, Nalanda, in connection with Hilsa P.S. Case No. 503 of 2015 on the condition that one of the bailors should be government employee and another should be close relatives of the petitioner with further condition that the petitioner will cooperate



in the trial and will not, in any manner, influence the evidence or the witnesses.

(Anil Kumar Upadhyay, J)

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