

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21561 of 2017

Arising Out of PS. Case No.-158 Year-2009 Thana- CHHATAPUR District- Supaul

Ramjee Prasad Mandal, son of Late Fudan Mandal, resident of Village-
Harihar Patti, P.O.- Gonha, P.S.- Triveniganj, District- Supaul (Bihar).

... .. Petitioner.

Versus

The State of Bihar through Vigilance.

... .. Opposite Party.

Appearance :

For the Petitioner	:	Mr. Jitendra Kumar Pandey, Advocate. Mr. Surendra Kumar Sinha, Advocate.
For the Vigilance Department	:	Mr. Ramakant Sharma, Senior Advocate. Mr. Santosh Pandey, Advocate.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

10 11-07-2018

Heard.

The petitioner apprehends his arrest in connection with Special Case No.03 of 2011, arising out of Chhatapur Police Station Case No.158 of 2009, registered under Sections 406, 409, 419, 420, 120(B), 467 and 468 of the Indian Penal Code besides Sections 7, 8, 13(2) read with Sections 13(1)(d) of the Prevention of Corruption Act, 1988.

The accusation is that the informant, who is the Circle Officer, Chhatapur, received information from the staff of the Punjab National Bank, Pipra Khurd, to the effect that Cheque Nos.325398 and 325396 dated 01.07.2009, issued in the name of Md.Ali Haider, have been deposited for clearance. Thereafter, on inquiry, it was detected that the series of the cheques were handed over to Sujeet



Kumar, Revenue Staff of Halka No.6. As Sujeet Kumar was not present, due to that reason, vide letter no.1108-2 dated 24.11.2009, information was given to stop the payment of the cheques. Thereafter, on inquiry, it was detected that cheque nos.325346, 325348, 325350 and 325351 dated 25.05.2009, issued in the name of Asjad Alam, have been deposited in Account No.30326034652 at ADB, Supaul, and in the aforesaid cheques, his signature was found forged. When Sujeet Kumar, Halka Karmcharti, and Anchal Adhikari, compared the cheques, as issued, they found that cheque nos.329245, 329300 and 325323 to 325400 are not available in the leaf of the cheques.

Learned counsel appearing on behalf of the petitioner submits that it would appear from the F.I.R. that the cheques, which were issued in the name of Asjad Alam with fake signature of the informant, was in the custody of Halka Karmchari Sujeet Kumar but the petitioner being the Revenue Staff of another Halka, in course of investigation, has falsely been implicated in this case, after lodging the case. Further submission is that while some cheques, which are alleged to be missing, were in the custody of the petitioner but the same were kept in the custody of Dayanand, regarding which a separate case being Chhatapur P.S. Case No.163 of 2009 has been instituted against the petitioner.

On the other hand, learned counsel appearing for the Vigilance Department submits that in paragraph-99 of the case diary,



it has come that the leaf of the cheques, which was entrusted to the petitioner, was misappropriated and, on explanation, petitioner submitted that the same was kept in the table of Dayanand, on folding in red cloth.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Special Judge Vigilance-II, Patna, in connection with Special Case No.03 of 2011, arising out of Chhatapur Police Station Case No.158 of 2009, subject to the conditions laid down under Section 438(2) Cr.P.C. Out of the two sureties, one must be Government employee.

(Rajendra Kumar Mishra, J)

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