

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8369 of 2017

Arising Out of PS.Case No. -599 Year- 2016 Thana -BETTIAH CITY District-
WESTCHAMPARAN(BETTIAH)

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Abhinay Kumar, son of Shri Virwal Das @ Vilwal Das, resident of Village-
Madhopur, P.S.- Majhauria, District- West Champaran.

.... Petitioner

Versus

1. The State of Bihar.
2. Bank of India through its Senior Branch Manager, Bettiah.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Yogesh Chandra Verma, Sr. Advocate
and Mrs. Priyanka Singh, Advocate.
For the Bank of India : Mr. Nishi Nath Ojha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-03-2017 Heard learned counsels for the petitioner, informant and

learned counsel for the State.

The petitioner is languishing in custody since 06.11.2016
in connection with Bettiah P.S. Case No. 599 of 2016 for the
offences instituted under Sections 409, 419, 420, 467, 468 and 471
of the IPC.

The prosecution story, in brief, is that on 05.11.2016, the
petitioner took his I. Card, Adhar Card and by pasting his own
photograph got opened one bank account in the Bank of India. On
scrutiny of the account, it transpired that all the papers were in the
name of Virendra Das and it was bearing without photo of the said



Virendra Das. The Branch Manager called the petitioner and on query, he accepted his fault and disclosed about opening of another bank account in the name of one Kavita Srivastava. The said bank account was also forged one. On examination, it transpired that the said Kavita Srivastava is the wife of Dilip Kumar Srivastava and the petitioner withdrew Rs. 6,00,000/-. The petitioner by opening two bank accounts, put the bank of India in loss and defamed the same. Five copies of Adhar Card and I. Card were recovered from possession of the petitioner.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 06.11.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. He has got no criminal antecedent. He has been made accused in the present case due to mistake of fact. It is further submitted that the petitioner is ready to deposit the balance amount in question i.e., Rs. 2,50,000/- in four equal instalments within a period of four months in the account of Bettiah Branch, Bank of India.

On behalf of the learned counsels for the State and informant- Bank of India, it has been submitted that the Bank of India has no objection in respect of the submissions “that the petitioner shall return the amount in question i.e., Rs. 2,50,000/- as



per the undertaking given by him before this Court.”

Considering the aforesaid facts and circumstances, it is directed that the petitioner shall deposit the balance amount in question i.e., Rs. 2,50,000/- in four equal instalments within a period of four months in the account of Bettiah Branch, Bank of India, let the petitioner above named, be released on provisional bail for a period of five months on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, West Champaran at Bettiah, in connection with Bettiah P.S. Case No. 599 of 2016.

If the balance amount in question i.e., Rs. 2,50,000/- is deposited in the said Bank by the petitioner within the said stipulated period as per the undertaking given by the petitioner before this Court, the Bank of India, Bettiah Branch, shall issue a certificate with regard to deposits of amount in question made by the petitioner. The said certificate shall be produced by the petitioner before the court below. If the certificate of the said amount in question is produced before the court below by the petitioner, the provisional bail granted to the petitioner shall be confirmed by the court below itself. If the petitioner fails to do so, the provisional bail granted to the petitioner shall automatically



stand cancelled.

Further in light of submissions, both parties are at liberty to make an endeavour to file a joint petition to settle the present prosecution in accordance with law.

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(Sudhir Singh, J)

