

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30286 of 2017

Arising Out of PS.Case No. -379 Year- 2015 Thana -RAJIVNAGAR District- PATNA

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1. Santosh Kumar Singh @ Santosh Kumar, aged about 31 years, son of
Ramjag Singh, Resident of Village- Karan, P.S.- Baghela, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Neerad Parashar

For the Opposite Party/s : Mr. Smt. Renuka Ratnakar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 22-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Rajiv Nagar
P.S. Case No. 379/2015 for offences punishable under Sections
406, 420, 467, 468 of the Indian Penal Code.

The prosecution case, as lodged by the Branch
Manager, is that one Ganesh Vishkarma opened a Bank account in
Canara Bank, Ram Nagri Branch, Patna and deposited a cheque of
Rs. 2,86,560/- in the account. Thereafter another cheque of Rs.
2,91,640/- was deposited. On suspicion, when the informant
enquired from the Bank who had issued the cheque he got
information that the cheque was not issued from the said Bank.



Hence, a written report was lodged before the police regarding such illegal withdrawal of money from the Bank.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the First Information Report and it is only on the basis of his confessional statement in Sultanganj P.S. Case No. 213/2015 that his name surfaced. He submits that just because he has a criminal antecedent and his confessional statement before the police, which has no evidentiary value in the eye of law, he has been made accused in the present case. He submits that although he is in custody in other cases since 08.03.2016 a direction was issued for his remand on 16.07.2017 and he is languishing in custody since more than 1½ years.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is one of the members of the gang who is involved in withdrawal of money by presenting forged cheques. He submits that as many as seven cases are pending against the petitioner apart from the present case regarding similar type of offence.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/-(Ten Thousand) with



two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Patna, in connection with Rajiv Nagar P.S. Case No. 379/2015, subject to the conditions that :

- (i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.
- (iii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.
- (iv) Petitioner shall also appear before the concerned police station in the first week of every month.

(Nilu Agrawal, J)

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