IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44672 of 2017

Arising Out of PS.Case No. -538 Year- 2017 Thana -SITAMARHI District- SITAMARHI

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Subhash Kumar Jha @ Subhash Jha @ Subhash Kumar, Son of Sri Ram Balak Jha, R/o Village- Kailaspuri, Ward No.10, P.S.- Dumra, District- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ritesh Kumar Narain Singh, Adv.

For the Opposite Party/s : Mr. Sri Ajay Kumar-1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 21-09-2017 Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

The petitioner is being prosecuted in a case under Sections 379, 406, 420, 467, 468 and 120B of the Indian Penal Code and Section 66(C) of the I.T. Act.

A perusal of the FIR would show that it is Shambhu Yadav who is said to have given a call to the informant asking him to deposit Rs.20 lacs in his account in lieu of stone chips which were being allegedly loaded at the instance of one Arvind Ji. The informant says that the said Arvind Ji is a Director of the Company in which he is the Managing Director and believing the words of said Shambhu Yadav he got the money deposited in two installments of Rs.10 lacs each, but on 13.07.2017 i.e. a day after said telephone call he came to know that no material was loaded and said Shambhu Yadav has committed a fraud with the informant. On further query from the concerned branch and verification of CCTV it was found that said Shambhu Yadav had gone to withdraw the money followed by this petitioner Subhash Kumar Jha and both of them have been identified in the camera.

Learned counsel for the petitioner submits that, from the narration of the facts in the FIR itself, it is clear that said Shambhu Yadav had got some business relationship with the informant otherwise the informant could not have deposited such a huge amount of Rs.20 lacs in his account even without being satisfied with the identification of the person concerned. There is no allegation against this petitioner, the bank being a place where anybody can visit this petitioner's presence in the bank premise alone cannot be a clinching factor to apprehend him.

Learned counsel representing the informant opposed the prayer for bail submitting that this petitioner is said to be the mastermind and both petitioner and Shambhu Yadav had been instrumental in committing this act of forgery. He further submits that, therefore, prayer of the petitioner should be refused.

Learned APP for the State opposed the prayer for bail.

Having considered the submissions, this Court is inclined to grant regular bail to the petitioner considering that the First Information Report is specifically directed against Shambu Yadav, there is no allegation that any money has gone in the account of petitioner and the fact stated in paragraph 3 that the petitioner has got no criminal antecedent. Let the petitioner, namely, Subhash Kumar Jha @ Subhash Jha @ Subhash Kumar be enlarged on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Sitamarhi in connection with Sitamarhi P.S. Case No.538 of 2017, subject to the conditions U/S 437(3) Cr.P.C. and subject to the further condition that the petitioner shall cooperate with the investigation and shall present himself as and when required before the investigating officer/trial court, as the case may be.

(Rajeev Ranjan Prasad, J)

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