

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1041 of 2017

Arising Out of PS.Case No. -62 Year- 2016 Thana -COMPLAINT CASE District- SUPAUL

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Mukesh Kumar Gupta, S/o Late Ramesh Kumar Gupta, Branch Manager,
Central Bank of India, Birpur, P.S. - Birpur, District - Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nana Lal Kanji Bhai, S/o late Kanji Bhai Badgama, Permanent, address
- 37 Shanti Park Gorwa, near wokshop, P.S. - Gorwa, District - Barodra
(Gujrat) Present address - Pradeep Thakur, Post - Birpur ward no. 9,
P.S. - Birpur, Distt. - Supaul.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sharma

For the Opposite Party/s : Mr. Anil Prasad Singh

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

7 24-05-2017 Heard the learned counsel for the petitioner, the

learned A.P.P. for the State as also the learned counsel for the

complainant.

In this application for anticipatory bail the petitioner
apprehends his arrest in connection with Complaint Case No. 62
of 2016 for the offences punishable under sections 420, 466, 379
and 120 B of the I.P.C.

Allegedly, co-accused Pradeep Kumar Sah stole the
signed cheque of the complainant and when the amount of
Rs.11,00,000/- came in the account of the complainant, Pradeep
Kumar Sah withdrew the amount of Rs.6,70,000/- after encashing



the cheque with collusion and conspiracy of the petitioner.

Submission is of false implication and that the petitioner has got no role in encashing the said cheque, he has been unnecessarily made accused in this case, it was Pradeep Kumar Sah who has stolen the cheque of the complainant and got withdrew the amount, admittedly the cheque was signed one so there was no occasion for the Bank not to honour that cheque, in the Bank only signature is to be verified and as such no offence has been committed by the petitioner and as such he deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the complainant opposes prayer for pre-arrest bail of the petitioner by submitting that without connivance of the petitioner the cheque cannot be encashed. The petitioner was also residing in Tirupati Guest House and Pradeep Kumar Sah was the owner of the said Tirupati Guest House so under that connivance the petitioner helped Pradeep Kumar Sah in getting withdrawal of the amount.

In the facts and circumstances as stated above, considering that admittedly the stolen cheque was signed one by the complainant and that was misused in withdrawing the amount of Rs. 6,70,000/- and as such there is no apparent role of the



petitioner and as such the petitioner, in case of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall 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. A.C.J.M. Birpur in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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