

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23790 of 2016

Arising Out of PS.Case No. -785 Year- 2015 Thana -BANKA District- BANKA

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1. Bhawesh Maholi Son of Bhudeo Maholi Resident of Village+PO-
Kakwara PS+District Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha

For the Opposite Party/s : Mr. C.Jawahar(App)

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

8 27-01-2017 Heard the learned counsel for the petitioner as well as

the learned A.P.P. for the State.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Banka P.S. Case No. 785 of 2015/ G.R. No. 2832 of 2015 for the offences punishable under sections 420, 467, 468, 471 and 379/34 of the I.P.C.

Allegedly, the petitioner being husband of Mukhiya took away cheque book from the informant and thereafter after making forged signature of the informant and getting signature of his wife Mukhiya withdrew the amount of Rs. 4,83,000/- from Vijiya Bank, branch Banka after bringing the Manager and the Cashier in collusion. The informant has not signed on the cheque book and his furgi signature was done.



Submission is of false implication and that the informant has lodged false case, the informant is the Panchayat Secretary and being some dispute regarding the work he has been falsely implicated, as a matter of fact the Panchayat Secretary has signed on the cheque book and the Mukhiya has also signed then the amount was withdrawn, the petitioner has got no concern in withdrawal of the amount but as he is the husband of Mukhiya he has been implicated in this case, the Mukhiya has also been granted regular bail and as such the petitioner also deserves sympathetic consideration, to which the learned A.P.P. opposes.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, I am not inclined to grant privilege of pre-arrest bail to the petitioner and accordingly his such prayer stands rejected in connection with the aforementioned case pending in the court of C.J.M. Banka.

However, if the petitioner surrenders and seeks regular bail then his prayer for regular bail shall be considered on its own merits without being prejudiced by the order of this Court.

(Jitendra Mohan Sharma, J)

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