

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40584 of 2017

Arising Out of PS.Case No. -74 Year- 2016 Thana -KISHANGANJ District- KISANGANJ

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Sonmati Routh @ Sonmati Rauf @ Sonmati Rough, W/o Sudheshwar Sah,
R/o Allipur Duar Near Allipurduar Junction, Jalpaiguri, At present Azad
Market Churi Patty, P.S. & District- Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kritya Nand Biswas, Son of Shri Kedar Nath Biswas, Senior Branch
Manager Bank of India, Kishanganj, Brach, R/o Santi Nagar Katihar,
P.S. & District- Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate.
Mr. Diwakar Sinha, Advocate.
For the opposite party No. 2: Mr. Nishi Nath Ojha, Advocate.
For the State : Dr. Rabindra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6 05-01-2018 Learned counsel for the petitioner is permitted to

make necessary correction in typed copy of the First Information

Report in course of the day.

Heard learned counsel for the petitioner and the State.

The petitioner apprehends her arrest in **Kishanganj**

P.S. Case No. 74 of 2016 instituted for the offence under Sections

406 and 420 of the Indian Penal Code.

In the instant case, the Branch Manager has filed the

case against the account holder in whose favour the Bank has

credited the amount on the basis of cheque issued in her favour.

The aforesaid cheque was subsequently said to be forged cheques



on the basis of oral complaint made by the drawee of the cheque M/s. Bihar Mahadalit Vikas Mission with the petitioner.

This Court is unable to understand that if the aforesaid cheques were forged one, how the Bank has passed the cheques and credited the amount in the account of petitioner. It was responsibility of the Bank to check the genuineness of the cheques in question before crediting the amount in the account of account holder.

Learned counsel for the informant has appeared and opposed the prayer for anticipatory bail.

The counsel for petitioner has submitted that informant has filed instant case to save his skin.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Kishanganj P.S. Case No. 74 of 2016**, she shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned **Additional Chief Judicial Magistrate, Kishanganj**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property



within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

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(Sanjay Priya, J)

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