

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55401 of 2017

Arising Out of PS.Case No. -122 Year- 2017 Thana -SANGRAMPUR District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Jhakhad Sharma, son of Bhikhu Sharma.
 2. Mahanth Sharma, son of Jhakhad Sharma.
 3. Madan Sharma, son of Jhakhad Sharma. All are resident of Village-
Murli, Police Station- Sangrampur, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7, Advocate.

For the Opposite Party/s : Mr. Kanhaiya Kishore, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 25-01-2018 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in **Sangrampur**
P.S. Case No. 122 of 2017 instituted for the offence under
Sections 420, 504, 506, 34 of the Indian Penal Code and Section
138 of Negotiable Instrument Act.

There is specific allegation against Mahanth Sharma
(petitioner No. 2) of withdrawing the amount of SBI life insurance
issued in the name of late husband of the informant by
manipulating the name of nominee in connivance with the staff of
SBI life Insurance. It is also alleged that in *panchayti*, petitioner
No. 2 agreed to make payment of Rs.4,00,000/- in favour of the



informant and he issued a cheque in favour of the informant. When the aforesaid Cheque was produced by the informant in the Bank, it was returned with endorsement that signature of the petitioner No. 2 does not match.

Learned counsel for the informant has appeared and submitted that petitioner No. 2 has intentionally put his signature in English whereas in the specimen signature available in the Bank, he signed in Hindi.

Therefore, this court is not inclined to grant anticipatory bail to petitioner No. 2 namely, Mahanth Sharma.

Prayer for anticipatory bail of petitioner No. 2 Stands rejected.

So far petitioner Nos. 1 and 3 are concerned, there is no allegation of any specific overt act against them. Therefore, prayer for anticipatory bail of petitioner Nos. 1 and 3 namely, Jhakhad Sharma and Madan Sharma is allowed. In the event of surrender/arrest of the petitioner Nos. 1 and 3, named above, within six weeks from today, in connection with **Sangrampur P.S. Case No. 122 of 2017**, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of **Chief Judicial Magistrate, Motihari, East Champaran**, 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) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bond and (3) if petitioners tamper 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 petitioners.

(Sanjay Priya, J)

S.Ali/-

U		T	
---	--	---	--

