IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48425 of 2018

Arising Out of PS.Case No. -340 Year- 2016 Thana -CIVIL LINE District- GAYA

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Om Prakash Nand S/o Braj Nandan Ravidas R/o Hans Bhawan, Infront of Panchmukhi Shiv Mandir, Kumhar Toli, Manpur, P.S. Muffasil, Distt. Gaya.

.... Petitioner

Versus

The State of Bihar through S. P., Economics Offence, P.S. Patna

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. N.K.Agrawal, Sr.Advocate with
M/S Amresh K. Sinha, Preety Kunwar
For the Opposite Party/s : Mr. Sunil Kumar Pandey
For Economic Offence Unit : Mr. Vishwanath Pd. Sinha, Sr.Advocate
Mrs. Soni Shrivastava

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA

ORAL ORDER

3 27-08-2018 Heard learned counsel for the petitioner.

Petitioner apprehends his arrest in connection with Special Case No. 24 of 2018, arising out of Civil Lines (Gaya) P.S.Case No. 340 of 2016 registered for the offences punishable under Sections 419, 420, 467, 468, 469, 471, 120B of the Indian Penal Code and 13(1)(d), 13(2) of Prevention of Corruption Act.

Allegation as per FIR is that transaction of crores of rupees has been made in the account of informant and his wife though they have not deposited such a huge amount and it is alleged that the petitioner in collusion with others has done this and petitioner is the cashier. It is also the case of informant that when E.D. official enquired about the same, the petitioner came to know about the same.

Submission of learned counsel for the petitioner is that petitioner is only responsible for receiving amount and he has no concern with the cash transfer and passing of cheque. Petitioner is not named in FIR and he had been made accused during investigation of the case.

Heard learned Sr.Advocate for the Economic Offence Unit, who has opposed the prayer for anticipatory bail and he has drawn my attention towards the impugned order which shows signatures of account holders on deposit slips, R.T.G.S./NEFT form and cheque books were compared by police laboratory and they were found to be forged and huge amount has been transferred and withdrawn from the account of the informant.

Having heard both sides and in view of serious nature of allegation and also considering Annexure-4 filed with supplementary affidavit, i.e., report of Deputy Superintendent of Police, E.O.U. discloses that on 17.11.2016, Rs.1.5 lakhs was deposited in cash and entry was made by the petitioner and verified by one Arbind Kumar, I am not inclined to grant privilege of anticipatory bail to the petitioner, rather petitioner to surrender and make prayer for regular bail, which shall be considered on its own merit, without being prejudiced by this order.

With the above observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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