IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12724 of 2018

Arising Out of PS.Case No. -1654 Year- 2015 Thana -PURNIA COMPLAINT CASE District- PURNIA

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Satyanarayan Bishwas @ Satya Narayan Biswas @ Satya Narayan Bishwas S/o Late Nand Kishore Bishwas, R/o Village- Mohammadpur, P.S.- Dagarua, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kriti Kumari, w/o Ritesh Kumar, d/o late Birnarayan Biswas, R/o Village- Kocheli, P.O.- Barsoni, P.S.- Dagarua, District- Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saket Tiwary, Advocate.

For the Opposite Party/s : Mr. Ramchandra Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

2 09-03-2018 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Complaint Case No. C.A. 1654 of 2015** instituted for the offence under Sections 406, 420 and 468 of the Indian Penal Code.

The complainant has filed the complaint petition which was sent to P.S. under Section 156(3) Cr. P.C. It is alleged in the complaint petition that after death of father of the complainant, her mother received claim amount of insurance amounting to Rs.80,000/- and gave to the petitioner who is her uncle, to be deposited in the name of the complainant and her elder brother. Out of Rs.80,000/-, Rs.40,000/- was deposited in the name of the complainant and Rs.40,000/- in the name of her elder brother in BOB Suvidha Scheme in Gulabbagh Branch of Bank of Baroda. It is further alleged that when the complainant grew up and she required money for higher education, she asked the petitioner to withdraw the deposited amount. The petitioner did not do so. Thereafter, she went to the Bank and approached the concerned Branch Manager for withdrawing money, who did not pay and told to come after 2/3 days. It is alleged that complainant obtained information from A.G.M. Muzaffarpur region regarding her account. Thereafter, she learnt that petitioner has got a new certificate in his name by producing an indemnity bond and on this basis, he secured rupees 1,20,000/- O.D. facility which was subsequently increased up-to Rs.2,40,000/- on 14.3.2011 and in this OD Account total due amount was 2,38,050/-. It is alleged that petitioner by hatching conspiracy with the Branch of concerned Bank, received duplicate Subhidha Receipt by placing the false plea that the original receipt of the complainant was lost. The petitioner enjoyed the O.D. facility with the deposit amount of the informant by playing fraud.

It has been submitted on behalf of the petitioner that FD's are intact. The petitioner has liquidated the loan and bank has informed the informant to take the amount of Fixed Deposit against which petitioner has taken the loan.

Learned counsel for the petitioner has enclosed Annexure-4 and 5 which show that petitioner has already written letter to the Bank to close his OD account and release the payment of maturity amount of FD's to the informant. Accordingly, the Bank has informed the Advocate of the complainant about maturity of the amount and to receive the maturity amount from the Bank.

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 **Complaint Case No. C.A. 1654 of 2015,** he 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 Judicial Magistrate, 1st Class, Purnea,** 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.

(Sanjay Priya, J)

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