

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12432 of 2018

Arising Out of PS.Case No. -140 Year- 2017 Thana -NIMCHAKBATHANI District- GAYA

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1. Dharmendra Kumar, son of Jitan Chaudhary, resident of village-
Rewara, P.S.- Belaganj, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. P. K. Shahi, Sr. Advocate with
Mr. Vipin Kumar, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 09-03-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Neemchak Bathani P.S. Case No.140 of 2017** instituted for the offence under Section(s) 409, 419, 420, 465, 468, 471 Indian Penal Code.

Prosecution case, in short, is that this petitioner, who was working as Prakhanda Nazir in the Block Office, after forging specimen signature of In-charge BDO, Balram Singh, withdrew total Rs.4,41,506/-.

Counsel for the petitioner has pointed out Annexure-3, which is letter sent by Sri Balram Singh, Block Development Officer, to the Sr. Treasury Officer, Gaya, and also to different Banks, giving his specimen signature duly attested by Dy. Election Officer, Gaya. Counsel for the petitioner has further



submitted that all the money has been withdrawn bonafidely on the basis of signature of In-charge BDO, Balram Singh. No forgery has been done by this petitioner, who was working only as Nazir.

It is further submitted that when the matter came to knowledge of superior Officer, Sri Balram Singh, BDO, called the petitioner and gave the entire amount and asked to deposit the same in the account. Accordingly, total Rs.4,41,506/- has been deposited in the Bank Account much prior to institution of the First Information Report. In support of such deposit of amount, Annexure-4 has been filed.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Neemchak Bathani P.S. Case No.140 of 2017**, 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 the **Additional Chief Judicial Magistrate, X, Gaya**, 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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