

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35157 of 2018

Arising Out of PS.Case No. -439 Year- 2016 Thana -LAKHISARAI District- LAKHISARAI

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Rohit Kumar, son of Mahendra Yadav, resident of Village- Pacham, P.S. Chanan, District Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sri Ravi Kumar, son of Late Ram Sudin Das, resident of Village- Gosaigaon, P.S. Ghoshwari, District- Patna, at present Branch Manager, SBI, Ramgarh Chowk, District Lakhisarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Y.C. Verma, Sr. Advocate
Mr. Manoj Kumar, Advocate
For the S.B.I. : Mr. Satya Prakash Tripathy, Advocate
Mr. Satya Vrat, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6 14-08-2018 Heard learned counsel for the petitioner, counsel for the SBI and the State.

The petitioner apprehends his arrest in **Lakhisarai (Ramgarh Chowk) P.S. Case No.439 of 2016** instituted for the offence under Sections 419, 420, 467, 468, 471 and 472 of the Indian Penal Code.

Counsel for the petitioner has submitted that petitioner is not named in the written report. His name has come in the confessional statement of Pawan Kumar who was arrested by the police.

It has been alleged by informant that on 18.08.2016, a



cheque was produced in the Bank for payment of amount and on getting verification of the same, it was found that in saving account No. 2032537058 standing in the name of Sanoj Thakur, son of Anandi Thakur, frequent transaction has taken place. The informant on getting suspicion asked bearer of the Cheque about frequent transaction in the aforesaid Saving Bank account. The bearer of cheque could not give satisfactory answer. Thereafter, the informant informed local police and seized the cheque in question and freezed aforesaid Saving Bank Account. During course of investigation, the bearer of the cheque disclosed his name as Pawan Kumar, son of Jawahar Yadav.

As such there is no allegation of any specific overt act against petitioner.

A report has been called for from the court below which has been received.

From the report it appears that only order has been passed for issuing of process under Sections 82 Cr. P.C. The same has not been issued. From the xerox copy of the order sheets received from the court below, it appears that police has submitted charge-sheet against other accused persons. The investigation against the petitioner is still pending.

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 **Lakhisarai (Ramgarh Chowk) P.S. Case No.439 of 2016**, 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 **Chief Judicial Magistrate, Lakhisarai**, 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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