

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54105 of 2017

Arising Out of PS.Case No. -302 Year- 2016 Thana -DHAKA District- EAST CHAMPARAN
(MOTIHARI)

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Mukesh Thakur, S/o Yadolal Thakur, Resident of Village- Bhagwanpur,
P.S.- Dhaka, Distt- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Pandey, Advocate.

For the Opposite Party/s : Mr. Iftekhar Mahmood, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6 27-03-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Dhaka P.S.**

Case No. 302 of 2016 instituted for the offence under Sections
420 and 406 of the Indian Penal Code.

It is alleged in the written report that when the informant went for updating the passbook he learnt that Rs.7,00,000/- has illegally been withdrawn on 1.8.2016 by this petitioner who was Up-Sarpanch. It is further alleged that on enquiry in the Bank the informant learnt that money has been withdrawn by Cheque.

Learned counsel for the petitioner has submitted that money can be withdrawn by cheque from the account by joint signature of this petitioner and the informant who was Sarpanch.



A report has been received from Forensic Science Laboratory wherein it is mentioned that no any sample of signature was sent in the Laboratory along with paper which was sent for verification. Therefore, the Laboratory has returned all the papers without verifying it and no report is given.

There is no any allegation against this petitioner that he has misappropriated the money in question. It is mentioned in the written report that money has been withdrawn by Cheque. As per submission of this petitioner the money could be withdrawn by Cheque only by joint signature of this petitioner and the informant who was the Sarpanch.

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 **Dhaka P.S. Case No. 302 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 **Sub Divisional Judicial Magistrate, Sikrahana, Dhaka**, 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.

S.Ali/-

(Sanjay Priya, J)

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