

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.56361 of 2017**

Arising Out of PS.Case No. -140 Year- 2017 Thana -MALSALAMI District- PATNA

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Upendra Kumar, Son of Ram Pravesh Sharma, Resident of Badi Nagla,  
P.S.- Malsalami, District- Patna, Bihar.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. The State Bank of India, through Branch Manager, AMY Katra Bazar  
(7879) Branch, Patna City- 80008.

.... .... Opposite Party/s

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**Appearance :**

|                           |                                      |
|---------------------------|--------------------------------------|
| For the Petitioner        | : Mr. Satyendra Rai, Advocate        |
| For the State             | : Mr. Ajit Kumar, A.P.P.             |
| For the S.B.I. O.P. No. 2 | : Mr. Jitendra Kumar Singh, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

3      19-01-2018

Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the  
offences punishable under Sections 420, 465, 467, 468, 470 and  
471/34 of the Indian Penal Code.

According to FIR Rs.6,50,000/- was withdrawn  
from the account of Chitranjan Mishra and deposited in the  
account of this petitioner in a forged manner. The petitioner stated  
to the bank authorities that the petitioner is an auto driver and  
Pankaj Sharma had issued that cheque to the petitioner. Pankaj  
Sharma has still not been apprehended in this case and no  
scientific investigation has been conducted by the police to  
substantiate that the cheque was a cloned cheque or signature of



the drawer was forged one. Only statement of oral witnesses, especially, the bank official is there who was responsible for the said transfer and deposit of the amount in the account of this petitioner. None of the bank officials is accused in this case who is only responsible for the transfer from one account to another. Petitioner is in custody since 23.06.2017 and investigation against the petitioner is complete now.

Learned counsel for the bank opposed the prayer on the ground that since the petitioner was conscious that the money transferred to his account was not of petitioner and he withdrew the money and distributed along with other co-accused, the criminal liability of the petitioner is serious there.

In the present case, the petitioner has admitted before the bank that cheque was provided by Pankanj Sharma, hence, it cannot be doubted that how the money came in this account.

Considering no substantial material against the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Malsalami Police Station Case No. 140 of 2017, subject to the condition that the petitioner shall fully cooperate with the



investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

**(Birendra Kumar, J)**

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