IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42492 of 2018

Arising Out of PS. Case No.-277 Year-2018 Thana- KHAGARIA District- Khagaria

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Kundan Kumar Goswami S/o Raj Kumar Goswami Resident of Village- Murgiya Chak, P.S. Khagaria, District- Khagaria.

... ... Petitioner

Versus

The State of Bihar

... ... Opposite Party

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Appearance :
For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 19-07-2018 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Khagaria P.S. Case no. 277 of 2018, registered under Sections 406, 419, 420, 467, 468 and 120(B) of the Indian Penal Code.

The allegation of informant Pawan Kumar Yadav is that his father Ramdas Prasad Yadav opened a saving account in Bank of Baroda, Khagaria Branch in the year 2012 after depositing Rs. One thousand. Later on, he deposited money in the said account on different dates and the amount in the saving bank reached Rs. Three Lakhs, but all of sudden his father Ramdas Prasad Yadav died on 11.12.2016. When informant went to the bank of Baroda, Khagaria Branch and made inquiry from Prem Kumar, Branch Manager then he came to know that Kundan Kumar Goswami (Petitioner) withdrew Rs. Three Lakhs on 12.04.2017 in collusion with Amit Kumar, the then Manager of the said bank, while he made complaint to the Manager, Prem Kumar, but he did not give any heed on it. The informant raised suspicion regarding the forgery in connivance with the petitioner, Ex-Manager and Present Manager of the said bank.

Learned counsel for the petitioner submits that, in fact, loan was taken by the father of the informant for urgent works and on demand, mother of the informant handed over the cheque signed by her husband and thereafter, the same was presented for encashment, but with ulterior motive, Complaint Case No. 207 of 2018 was lodged. Further submission is that it has come in para 30 of the case diary that father of informant died on 11.12.2016, but the cheque was signed on 11.04.2017, which was later on handed over by the mother of the informant to the petitioner, thereafter, the same was presented and Rs. Three Lakhs was withdrawn and this fact has also come in course of investigation. The petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Khagaria in connection with Khagaria P.S. Case No. 277 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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