IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18251 of 2019

Arising Out of PS. Case No.-4 Year-2019 Thana- RAMGARH District- Kaimur (Bhabua)

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1. Pintu Kharwar, Son of Late Sudama Kharwar, R/o village- Bandipur, P.S.- Ramgarh, Distt.- Kaimur at Bhabua
2. Nirmala Kunwar (Mukhiya) Wife of Late Ramjee Kharwar R/o village- Sari, P.S.- Ramgarh, Distt.- Kaimur at Bhabua

... ... Petitioner/s

Versus

The State of Bihar ... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Dr. Indiwar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

4 19-07-2019 Heard learned counsel for the petitioners and learned APP representing the State.

The petitioners apprehend their arrest in connection with Ramgarh P.S. Case No. 04 of 2019 (G.R. No. 24 of 2019), registered under Sections 467, 468, 471, 420 and 120(B) of the Indian Penal Code.

Allegation against the petitioners, as per First Information Report, is that the informant is President of Executive and Management Committee of Ward No.7 of Mahuwari Panchayat. On 03.01.2019, when her pass-book was updated, it was found that Rs. 4,42,500/- was fraudulently withdrawn from her account, it has been further alleged that the petitioner no.1 along with Chandrawati Devi and Sanjay Mishra, the proprietor of Om Sai Traders had arrived at the house of the informant and a cheque of Rs. 12,000/- was given in favour of

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Om Sai Traders, but fraudulently a sum of Rs. 1,20,000/- has been withdrawn against that cheque, likewise, a cheque of Rs. 21,500/- was given to one Sanjay Mishra, but a sum of Rs. 3,15,000/- was fraudulently withdrawn from the account. When the informant made a complaint before petitioner no.2, who is Mukhiya, she threatened her not to lodge any case in this regard.

Learned counsel for the petitioners submits that allegation against the petitioners are completely false and baseless. He further submits that from perusal of the FIR, it would be evident that cheque was given in favour of the proprietor of Om Sai Traders and in support of his argument, learned counsel for the petitioners relied upon page no.13, which is photocopy of the pass book and it appears that Rs. 1,20,000/- was withdrawn by Om Sai Traders and further Rs. 3,15,000/- was withdrawn by one Amit Kumar.

Learned counsel for the petitioners submits that no fraudulent withdrawal of money was made by the petitioners and further submitted that petitioner no.1 was allegedly present when the cheques were being given to the proprietor of Om Sai Traders. He further submitted that there is no allegation against the petitioner no.2, who appears to be Mukhiya of Mahuwari Panchayat.

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Learned counsel for the informant submits that the petitioners' role are also there in fraudulent withdrawal of amount from the account of the informant.

After having heard learned counsel for the parties and taking into consideration the fact that no specific allegations has been leveled against the petitioners regarding fraudulent withdrawal of amount from the bank account of the informant, further, from perusal of pass-book, it appears that money has been withdrawn by Om Sai Traders and Amit Kumar, I am inclined to grant anticipatory bail to the petitioner.

Let the petitioners, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from today, be released on bail upon furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Kaimur at Bhabua in connection with Ramgarh P.S. Case No. 04 of 2019 (G.R. No. 24 of 2019); subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

S. Katyayan/-

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