

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.259 of 2019

Arising Out of PS. Case No.-117 Year-2017 Thana- BUDDHACOLONY District- Patna

Tutu Kumar@Tipu Kumar, s/o Niranjan Kr. Yadav, r/o vill-Mainpura
(Rajapur), PS-Patliputra, Dist-Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Branch Manager, State Bank of India, Branch Boring Canal Road,
Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Prasad

For the Opposite Party/s : Mr.Sri Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 17-04-2019 Heard the learned counsel for the petitioner and the
learned A.P.P. appearing on behalf of the State.

The present case is a second attempt on behalf of the petitioner for grant of regular bail in connection with Budha Colony PS case no. 117 of 2017 registered for the offences punishable under Sections 379, 420, 467, 468, 471/34 of Indian Penal Code.

The allegation against the petitioner is regarding tampering with a cheque issued by one Dayashankar Verma, resident of Kolkata, which was issued for the purposes of opening De Mat account, which was a cancelled cheque and could not have been credited to anyone's account, resulting in a sum of Rs. 2 lacs having been illegally and fraudulently credited



to the account of the petitioner, whereafter the petitioner, with ill motive and intention, had withdrawn the said amount of Rs. 2 lacs on the same day. It is the further case of the prosecution that upon the petitioner being contacted and told to come to the branch of the Bank and clarify the matter, the petitioner neither came to the branch nor gave any clarification. It is apparent from the earlier order of this Court dated 17.05.2018 passed in Cr. Misc. no. 20222 of 2018, whereby and whereunder the earlier bail petition of the petitioner had stood rejected, that the learned counsel for the petitioner was unable to explain the source of deposit of the aforesaid sum of Rs. 2 lacs in the account of the petitioner and upon an offer being made to deposit the aforesaid sum of Rs. 2 lacs for the purposes of making good the loss of the Bank/ its client and facilitate grant of bail to the petitioner herein, the said offer was flatly refused by the learned counsel for the petitioner, hence the bail petition of the petitioner was rejected.

I have heard the learned counsel for the petitioner, who could not point out any change in the circumstances from the time, the petition of the petitioner seeking grant of regular bail was dismissed by this Court vide order dated 17.05.2018



passed in Cr. Misc. no. 20222 of 2018 till date. This Court further finds that a serious allegation of committing a big fraud of illegally withdrawing a sum of Rs. 2 lacs from the Bank has been levelled against the petitioner herein and even the police, upon investigation, has found the case to be *prima facie* true as against the petitioner herein.

Having considered the gravity of the offence alleged to have been committed by the petitioner herein as also the fact that there is no change in the circumstances, this Court does not find any occasion to entertain the present petition, hence the same is dismissed.

(Mohit Kumar Shah, J)

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