

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36816 of 2019**

Arising Out of PS. Case No.-167 Year-2012 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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Shivvachan Ram @ Shivbachan Ram, Son of Bindeshwar Paswan Resident of
Village - Kara Tole, Rashe Bigha, P.S.- Obra, Dist.- Aurangabad (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ambika Ram, Son of Sri Dudheshwar Ram Resident of Village -
Koshadihara Patralaya Padrawa, P.S.- Jamhore, Dist.- Aurangabad.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Leelawati Kumari

For the Opposite Party/s : Mr.Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 27-09-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Complaint Case No.167 of 2012, in which cognizance under
Sections 420, 409, 120B, 467, 468, 149 of Indian Penal Code
has been taken by learned Magistrate.

The allegation against the petitioner as per the
complaint lodged by the complainant, Ambika Ram, who is
Panchyat Secretary that complainant handed over charge in
favour of petitioner. On 30.07.2010 the petitioner in connivance
with the husband of Mukhiya has withdrawn a sum of
Rs.4,35,000/- from the account of Panchayat.



Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case with oblique motive. Learned counsel for the petitioner further submits that at the time of handing over charge, the charge of cheque book of the concerned bank account was not handed over to the petitioner by the complainant. Learned counsel further submits that on the similar allegation, FIR was lodged by the concerned BDO in which petitioner has been granted anticipatory bail by this Court on account of the fact that no charge pertaining to the bank account in question was handed over to the petitioner by the complainant.

On the other hand, learned counsel for the complainant vehemently opposes the prayer for anticipatory bail and submits that petitioner has defalcated a sum of Rs. 4,35,000/- in connivance with the husband of Mukhiya and withdrawn the amount in question on the basis of forged signature of the complainant.

Having regard to the submissions made by the parties and taking into consideration the fact that all the amount has allegedly been withdrawn by the petitioner after the complainant has handed over charge to the petitioner and in identical matter,



this Court has granted anticipatory bail to the petitioner, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, let the provision bail granted by this Court dated 17.06.2019 be confirmed, subject to terms and condition as aforesaid and the bail bond furnished by the petitioner earlier shall be treated to the bail bond furnished by the petitioner pursuant to this order.

(Anil Kumar Sinha, J)

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