IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35956 of 2019

Arising Out of PS. Case No.-1768 Year-2018 Thana- GAYA COMPLAINT CASE District- Gaya

==

SUBODH KUMAR CHAUDHARY Son of Late Lalit Mohan Chaudhary Resident of House No. 81, Mohalla- Tekari Road, Narayani Tube- Wells, P.S.- Kotwali, District- Gaya.

... ... Petitioner/s

Versus

1. The State of Bihar
2. Rishi Raj Chaudhary, Son of Subodh Kumar Chaudhary, Resident of Amit Niwas Gali No. 1 Near CRPF Office, South Church Road, Kohar Petrol Pump, P.S.- Civil Line, District- Gaya.

... ... Opposite Party/s

==

Appearance :

For the Petitioner/s : Mr.Dileep Kumar Jha

For the Opposite Party/s : Mr.Narsingh Tanti

==

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

5 27-09-2019 The petitioner apprehend his arrest in connection with Complaint P. S. Case No. 1768 of 2018 registered under Sections 120B and 420 of the Indian Penal Code.

Allegation against the petitioner, as per complaint, is that the petitioner as well as the complainant are father and son and a joint account was opened in the Canara Bank in which Rs. 89 lacs was deposited in the name of complainant and the petitioner jointly. It has further been alleged that the cheque issued by the complainant for withdrawal of Rs. 21 lacs, was returned by the Bank Manager with endorsement, 'funds insufficient' whereas sufficient fund was available in the account. Further allegation is that subsequently, entire amount of Rs. 89 lacs has been withdrawn by the petitioner from the joint account maintained jointly with the complainant from the bank.

Learned counsel appearing on behalf of the petitioner submits that petitioner has falsely been implicated in this case on the basis of *mala fide* complaint inasmuch as the amount in question belongs to the petitioner and the money was deposited after sale of property of the petitioner. It has further been submitted that complainant, being the son of the petitioner, was made a joint holder of the account and money exclusively belongs to the petitioner.

On the other hand, learned counsel appearing on behalf of the complainant vehemently opposed the prayer for anticipatory bail and submits that petitioner has committed forgery in connivance with the bank officials and despite having been sufficient fund available in the account, the cheque issued by the complainant was got dishonoured at the behest of the petitioner and under the conspiracy, the complainant has been duped by the petitioner along with the Bank Manager. Learned counsel further submits that complainant is a joint holder of the account and the amount in question kept in the bank was also owned by the complainant.

Having regard to the submissions made by the parties and taking into consideration the fact that both, the petitioner and the complainant, are father and son and there appears to be a money dispute, as such I am inclined to grant anticipatory bail to the petitioner.

Let the petitioner, above-named, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned CJM, Gaya in connection with Complaint Case No. 1768 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

U		T	