

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42737 of 2019

Arising Out of PS. Case No.-1 Year-2012 Thana- GOVINDPUR District- Nawada

SUNIL KUMAR Son of Late Ram Chandra Sao, the Proprietor JainMachinery Store, Kolkata. Resident of Mohalla Nardiganj, P.S. and District Nawada, Permanently resident of Garhpar (Gondapur), P.S. and District Nawada.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sanjay Kumar Ravi the Branch Manager, Punjab National Bank, Govindpur, Branch District- Nawada. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar
For the Opposite Party/s : Mr.Rajeev Nayan (App 231)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 01-10-2019 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Govindpur Police Station Case No. 01 of 2012, disclosing offences under Sections 406/420 of the Indian Penal Code.

The allegation against the petitioner is that he, being the proprietor of M/s Jain Machinery Store, Kolkata, received a draft of Rs. 1,65,000/- from Punjab National Bank for supply of certain machinery to the beneficiary Uttam Kumar under the Prime Minister Employment Scheme, but the machinery, in question, was not made available to the beneficiary, Uttam Kumar and the amount has been misappropriated.



Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case inasmuch as from perusal of Annexure-2, which is a quotation of M/s Jain Machinery Store, Kolkata, submitted by the beneficiary Uttam Kumar, it would be evident that the proprietor of the said Jain Machinery Store is one Amarjeet Jain and not this petitioner. He further submits that the draft, in question, was allegedly deposited in Account No. 43 of Nawada Central Co-operative Bank Limited, but the petitioner is not the account holder of that bank account and despite efforts made by the petitioner and his wife, the Nawada Central Co-operative Bank Limited did not disclose the name of the account holder of that account. He further submits that the petitioner was not aware about his involvement in the present case and only in the Lok Sabha Election, 2019, the police arrived at the house of the petitioner and thereafter the petitioner has initiated the legal process for bail.

Learned Additional Public Prosecutor, referring to the case diary, submits that except the First Information Report, no other material has come to connect the petitioner with the alleged offence.

Having regard to the submissions made on behalf of



the parties and taking into consideration the fact that the petitioner is not the proprietor of M/s Jain Machinery Store, Kolkata and has no concern with the bank account in which the said draft of Rs. 1,65,000/- was deposited, as stated by him in paragraph 9 of this application, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, Sunil Kumar, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Nawada, in connection with Govindpur Police Station Case No. 01 of 2012, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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