

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47538 of 2019

Arising Out of PS. Case No.-1126 Year-2018 Thana- KANKARBAG District- Patna

RAHUL ANAND THAKUR Son of Sri Raj Kumar Thakur @ Raju Kumar Sharma @ Raju Kumar @ Rajeev Kumar Sharma Resident of Village - Buxariya Tola, P.S.- Sultanganj, Dist.- Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Central Bank of India, Lohia Nagar, Kankarbagh, Patna. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Mouar

For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 16-11-2019 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State. Learned counsel for the Central Bank of India is also present.

The petitioner apprehends his arrest in connection with Kankarbagh P.S. Case No. 1126/2018 registered for the offence punishable under Sections 420/467/468/471 of the Indian Penal Code and Section 66(C) of the I.T. Act.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR, but subsequently on investigation, one Kanchan Devi in whose account clone cheque has been credited disclosed that the petitioner is one of the gang members who actively participates in such fraudulent transactions. Learned counsel for the petitioner, however, submits that till date, no investigation has been conducted to show that the petitioner was in anyway involved in the



occurrence and in the fraudulent transaction. It is further submitted that only on the basis of the confessional statement made before the police, the petitioner is apprehending his arrest.

Learned counsel appearing on behalf of the Central Bank of India has contested the matter and submitted that it is case of fraud and huge amount of public money is being misappropriated and, therefore, the petitioner does not deserve the privilege of anticipatory bail. He further submits that the main accused person Kanchan Devi, co-accused is a woman of questionable character and has stated the name of the present petitioner and, therefore, his involvement in the said fraud cannot be ruled out.

Learned counsel appearing on behalf of the State after perusal of the case diary submits that in the confessional statement made before the police, the name of the petitioner has surfaced and, therefore, his complicity has also been drawn in, in connection with the present case.

Having considered the entire facts and circumstances and also in view of the fact that there is no further cogent material in the case diary as per the investigation conducted to reveal that the petitioner was, in fact, involved in the gang which was operating in such bank fraud and also because the



petitioner has no criminal antecedent, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Patna, in connection with Kankarbagh P.S. Case No. 1126/2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Anjana Mishra, J)

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