

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72676 of 2018

Arising Out of PS. Case No.-526 Year-2018 Thana- KOTWALI District- Patna

Lalan Kumar, Son of Late Kamleshwari Pd. Yadav, resident of House No. 239
Hira Lal Lane Lodipur Chhajubag, P.S. Gandhi Maidan, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Advocate. Mr.Nagendra Kumar Singh, Advocate.
For the Opposite Party/s :		Mr. Ram Sumiran Roy, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

7 24-04-2019 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Kotwali P.S. Case No. 526 of 2018 registered under Sections 417,
418, 419, 420, 466, 467, 468, 477(A), 477(B) and 120(B) of the
Indian Penal Code.

The accusation is that on 28.06.2018, one application
was filed by petitioner, Lalan Kumar, under Right to Information Act
for obtaining copy of Sanha No. 1989 dated 18.02.2015. The
informant being the S.H.O. of Kotwali Police Station deputed to
A.S.I. Bikramaditya Jha for inquiry and supply the aforesaid
information. Accordingly, A.S.I. Bikramaditya Jha put up the station
diary dated 18.02.2015 before him. The entry of Sanha no. 1989
dated 18.02.2015, apparently shows that last portion of entry with



regard to missing of SBI Cheque No. 20170 of Lalan Kumar is added later on, which appears to be manipulation in the aforesaid Sanha entry. On suspicion, Manoj Kumar, who was deputed for presenting the station diary was called but he showed his ignorance. The preservation of the station dairy was in the duty of literate constable Manoj Kumar, by whom, on the application of Lalan Kumar (petitioner) forwarded through the A.S.I. Bikramaditya Jha before him. When in the inquiry he told to ASI Bikramaditya Jha about manipulation in the said Sanha entry and direction was given to report after inquiry. In spite of that, ASI Bikramaditya Jha and Majoj Kumar without proper inquiry supplied the information through Police Station DR No. 1345 dated 30.06.2018 to the effect that in the year 2015, on 18.02.2018, entry regarding missing of cheque no. 200170 is made, which creates serious doubt. Thereafter, ASI, Nagmani Bhaskaron of Gandhi Maidan Police Station on 24.07.2018, in course of investigation of Gandhi Maidan P.S. Case No. 150 of 2018 and Gandhi Maidan P.S. Case No. 185 of 2018 registered under Section 379 of the Indian Penal Code made demand regarding Sanha entry no. 1989 of 2015. Later on, Dy.S.P. (Town) came at Kotwali Police Station and inquired about the aforesaid Sanha and it was detected that Sanha No. 1989 dated 18.02.15 was registered at 19.00 'O' clock in respect to information of Bidyanand Prasad about missing of Mobile with sim no. 898612205 and Sri Ram Niwash Choudhar, ASI was deputed for inquiry of the aforesaid Sanha and at



the end of entry about missing of SBI Cheque No. 20170 of Lallan Kumar is added. Thereafter, second copy of the said Sanha was called from the office of Dy.S.P. Law and Order, Patna and on perusal of the said Sanha entry, it appears that in last line with regard to SBI cheque no. 20170 of Lalan Kuamr (petitioner) is not mentioned. As such, Lalan Kumar in conspiracy of police officials got entered on 18.02.2015 about missing of his SBI Cheque No. 20170 in Sanha entry no. 1989 dated 18.02.2015.

Learned counsel for the petitioner submits that petitioner has given an application before the Officer-in-Charge of Kotwali Police Station to the effect that he filled up cheque of State Bank of India for purchasing the computer and went to Mauryalok for same but due to defect in the computer, the cheque could not be handed over, but later on, cheque was found traceless. Thereafter, in respect to said cheque, Sk. Puri P.S. Case No. 137 of 2018 was lodged by one Dhiraj Kumar with contention that cheque handed over by the petitioner, has been dishonored. Thereafter, petitioner filed an application under Right of Information Act for obtaining the copy of the Sanha on 30.06.2018 and the information was furnished by the Kotwalil Police Station, which would appear from annexure 3 but the police officials in collusion with Dhiraj Kumar, informant of Sk. Puri P.S. Case No. 137 of 2018 lodged the present case to harass the petitioner. Further submission is that while the police officials have also shown culprit in the case with the petitioner but no steps have



been taken against the police official.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Patna, in connection with Kotwali P.S. Case No. 526 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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