

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77547 of 2019

Arising Out of PS. Case No.-580 Year-2019 Thana- KOTWALI District- Patna

BIKRAMADITYA JHA, aged about 51 years, Male, Son of Late Jai Nandan Jha @ Jaynandan Jha, Resident of Village - Kanhuli, P.S.- Khajauli, Distt - Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : M/S. Nagendra Kumar Singh, Bijay Kumar Pathak
and Chandan Kumar, Advocates.

For the Opposite Party : Mr.Ganesh Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-11-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 419, 420, 465, 468, 471, 193 and 120(B) of the IPC.

The prosecution story, in brief, is that on self written report of Rama Shankar Singh, the Inspector of Police-cum-S.H.O., Kotwali P.S. Case wherein it is alleged that on the basis of Memo No. 3578 XL, dated 24.06.2019 of A.D.G. (Law and Order), Bihar, Patna, corresponding to Memo No. 2535 AP. SHA. dated 30.06.2019 of Sr. S.P., Patna, he instituted the present case alleging therein inter alia that Kotwali P.S. Case No. 571 of 2017 lodged by the petitioner, Budha Colony P.S.



Case No. 383 of 2017 lodged by Dhairya Kumar and Kotwali P.S. Case No. 664 of 2017 lodged by Nirbhay Sinha have lodged the cases of cheque bouncing under conspiracy in which Investigating Officer of all the cases have co-operated them for recovery of money by creating forged documents and evidence. It is further alleged that the petitioner had lodged Kotwali P.S. Case No. 571 of 2017 on 23.10.2017 under Sections 406, 467, 471, 120(B), 419, 420, 416 of the IPC and 138 of N.I. Act for allegation of misappropriation of Rs. 17,50,000/- on the basis of aforesaid written report Budha Colony P.S. Case No. 231 of 2019 was lodged.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner happens to be the Investigation Officer of Kotwali P.S. Case No. 571 of 2017 and Kotwali P.S. Case No. 664 of 2017. The other Investigating Officer is of Budha Colony P.S. Case No. 383 of 2017. Charge sheet was filed in all the three cases by the respective Investigating Officer including the petitioner in the aforesaid cases finding the case to be true. The court had taken cognizance also accepting the police report submitted by the



petitioner being the Investigating Officer and by the other Investigating Officer. The case has been committed after framing of charge. The accused of the said case being Kotwali P.S. Case No. 571 of 2017 who is the habitual offender, made an application to the Director General of Police, Bihar, Patna, alleging therein that he has falsely been implicated in the present case in spite of the fact that the court had taken cognizance on the basis of police report submitted by the petitioner and other Investigating Officer. At the instance of accused of the aforesaid case, a direction was issued to enquire and institute an F.I.R. Hence, the present case has been instituted. The present case has been instituted for oblique reason and with malafide intention.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Patna, in connection with Kotwali P.S. Case No. 580 of 2019, subject



to the conditions as laid down under Section 438(2) of the Code
of Criminal Procedure.

(Sudhir Singh, J)

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