

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80289 of 2019**

Arising Out of PS. Case No.-287 Year-2018 Thana- BISFI District- Madhubani

Amit Kumar @ Amit Kumar Karn S/o Sri Krishna Kumar Karn R/o village-
Simri, P.S.- Bisfi (Patauna), District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta, A.P.P.

**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER**

2 06-12-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor on behalf of the State.

The petitioner is in custody since 07.01.2019, in connection with Bisfi (Patauna) P.S. Case No. 287 of 2018, G.R. No. 867 of 2018 for the offences under Sections 409, 420, 466, 467, 468/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that three separate applications formed the basis of the FIR against the present appellant. The first imputation of fraud has been made by the Ward Member, Ward No. 9, Zafra District, wherein it has been stated that the petitioner, along with his brother, had withdrawn a Cheque of Rs. 50,000/- (Fifty Thousand) issued by the authorities but instead of the same, he has drawn Rs. 7,50,000/- (Seven Lakh Fifty Thousand) from the Government



Account on 05.05.2018. It is submitted that the Cheque was a fake one and for the same the petitioner and his brother are responsible.

The second imputation of prosecution and fraud is on behalf of the Block Development Officer who called for a transaction report of the said occurrence and thereafter on 12.10.2018 it was forwarded to the Panchayat Secretary stating that in Ward No. 9, certain irregularity and substandard supplies has been made causing loss to the State's Exchequer and there had been fraud in the withdrawal of the Government money. Consequent thereto, another letter was written by the Panchayat Secretary to the Thane Incharge and on the basis of the same the present FIR has been lodged which forms the basis of the prosecution against the present petitioner making several allegations. Learned counsel for the petitioner submits that the entire basis of the prosecution is vague and indistinct as it is highly improbable that a Cheque in which an amount of Rs. 50,000/- was indicated both in numerals as well as words could enable any party to withdraw a sum of Rs. 7,50,000/-. He, thus, submits that only because the present petitioner is the brother of the supplier who is alleged to have provided substandard quality of materials, the present petitioner is languishing in jail for no



fault of his own.

Learned counsel for the petitioner further submits that though the petitioner is said to be having several antecedents, in all these cases he has been extended the privilege of bail and that he undertakes to be present in the course of investigation and also during the course of trial as and when required.

In view of the aforementioned facts and circumstances, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Benipatti, Madhubani, in connection with Bisfi (Patauna) P.S. Case No. 287 of 2018 subject to the condition that one of the bailors must be the father of the petitioner.

(Anjana Mishra, J)

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