

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20032 of 2020

Arising Out of PS. Case No.-16 Year-2017 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

GAJALA BEGUM W/O Khwaja Nijamuddin Ansari Resident of Village -14,
Phari Lane, Sandhya Bazar, Near Jain Vidyalay P.S. Howrah, District -
Howrah.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

At the outset, the learned counsel for the petitioner undertakes to remove all the defects, as pointed out by the stamp reporter, within a period of four weeks from resumption of normal physical functioning of the Court including resumption of physical filing.

Heard the learned counsel for the petitioner and Shri Ashok Kumar, the learned A.P.P. appearing for the State.

The petitioner seeks regular bail in connection with Patna Economic Offence P.S. Case No. 16 of 2017 for the



offence punishable under Sections 420, 467, 468, 471, 34 of the Indian Penal Code.

The case of the prosecution, as per complaint filed by the General Manager (A.G.), Canara Bank before the Superintendent of Police, Economic Offence Unit, Bailey Road, Patna, is that a NRE account in the name of Sri Chanas Prasad Malrai was opened in Bhore Branch on 28.02.1997 with cheque facility and cheque was also issued to the account-holder and on 12.04.2017 an amount of Rs. 10,00,000/- was transferred through NEFT from Bhore Branch to the account of one Gajala Begum maintained at Union Bank of India, Howrah Branch by using cheque No.448978 of Chanas Prasad Malrai, however, the said Chanas Prasad Malrai had informed the Bank that a sum of Rs. 10,00,000/- has been transferred from his account by using his cheque bearing No. 448978 on 12.04.2017 to some other account without his consent and he was not present in India at that moment of time.

The learned counsel for the petitioner has submitted that the petitioner is innocent and in fact is a mobile dealer and during the course thereof, some persons had come to her shop and purchased mobile and in lieu thereof, they had given the aforesaid cheque of Rs. 10,00,000/-. It is further submitted that



the petitioner is a lady, aged more than 50 years, has three minor children and her husband resides outside in connection with his livelihood. The learned counsel for the petitioner has further submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 15.02.2020.

At this juncture, upon a query being put to the learned counsel appearing for the petitioner, as to how much amount of the defalcated money, the petitioner is ready to deposit with the learned court below, the learned counsel for the petitioner has fairly submitted that the petitioner is ready to deposit an amount equivalent to 50% of the defalcated amount of Rs. 5,00,000/-.

Per contra, the learned Additional Public Prosecutor appearing for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned counsel for the petitioner and taking into account the fact that the petitioner is lady, is having a clean antecedent and is languishing in custody since long, I deem it fit and proper to direct for release of the petitioner on regular bail.



Accordingly, the petitioner, above-named, is directed to be enlarged on regular bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned CJM, Gopalganj in connection with Patna Economic Offence P.S. Case No. 16 of 2017, subject to the petitioner depositing a sum of Rs. 5 lacs with the Nazarat of the learned Civil Court at Gopalganj..

(Mohit Kumar Shah, J)

Tiwary/-

U		T	
---	--	---	--

