

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71021 of 2019

Arising Out of PS. Case No.-97 Year-2018 Thana- KATEYA District- Gopalganj

Parshuram Yadav @ Prashuram Yadav, Son of Bhagirath Chaudhari, Resident
of Village - Mahanthawan, P.S.- Kateyan, Distt - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bakshi S.R.P. Sinha, Sr. Advocate Mr. Harendra Prasad, Advocate
For the Opposite Party/s	:	Mr. J.N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 08-06-2020 The matter has been taken up through virtual Court proceeding.

Heard Mr. Bakshi S.R.P. Sinha, learned Senior counsel for the petitioner and Mr. J.N. Thakur, learned APP for the State.

The present application has been preferred on behalf of the petitioner for grant of bail in connection with a case registered for the offences punishable under Sections 406, 420, 467, 468, 471 and 120B of the Indian Penal Code.

The prosecution case, as per the written report of Raju Datatreya Tirwadi submitted to the Station House Officer, Kateya Police Station, is to the effect that the informant is working as a Mechanical Engineer in L & T Company Pvt. Ltd.



at Jamnagar, Gujrat. The informant was introduced to petitioner Parsuram Yadav and co-accused Prem Tiwari through one Santosh Sharma. Co-accused Prem Tiwari asked the informant that the petitioner is working in Age Technology, Singapore where he has got employed many people on the post of Engineer, Supervisor, Manager, Safety Officer and Labour and consequently, the informant and others deposited Rs.26,75,000/- in State Bank of India and Punjab National Bank account of the petitioner for the purpose of getting employed in the said company and also paid Rs.18,35,000/- in cash to the petitioner, but ultimately, forged visa was issued to the informant and others. Hence, the money was fraudulently taken and misappropriated by the petitioner and other co-accused persons.

It is submitted by learned Senior counsel for the petitioner that there is no proof with regard to the payment in cash to the petitioner. In relation to one bank account of the petitioner which is in Punjab National Bank, the report submitted by the Branch Manager, Punjab National Bank, which is on record, reflects that account number mentioned in the FIR is wrong and Branch Manager, State Bank of India reported that there is no transaction between 01 March, 2017 to 31st March, 2017, statement to that effect has been made in paragraph 9 of



the petition, which reads as follows:-

“That during the course of hearing of B.P. No. 500/2019 the learned District & Sessions Judge-VIII, Gopalganj asked report from the Branch Manager, PNB, Gopalganj and Branch Manager, SBI, Gopalganj regarding transactions of petitioner’s account which was mentioned in the FIR but the Branch Manager, PNB has reported that the account number is wrong and Branch Manager, SBI has reported that there was no transactions between from 01 March 2017 to 31 March 2017 its shows innocency of petitioner.”

Though, the petitioner is accused in five other cases but he is on bail in most of the cases and investigation has already been concluded. The petitioner is languishing in custody since 09.07.2019.

Learned APP for the State submits that the thrust of accusation is against the petitioner for collecting money and issued forged visa to the informant and others.

Considering the report submitted by the Punjab National Bank and State Bank of India, statement to that effect being made in paragraph 9 of the petition, as contained in



Annexure-2 series, substantially negates the accusation of deposit of money and investigation being concluded, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Additional Chief Judicial Magistrate-XV, Gopalganj in connection with Kateya P.S. Case No. 97 of 2018.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-XV, Gopalganj in connection with Kateya P.S. Case No. 97 of 2018.

The learned Court below is at liberty to further



extend the period of provisional bail if the court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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