

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75609 of 2019

Arising Out of PS. Case No.-438 Year-2019 Thana- PATRAKARNAGAR District- Patna

Raj Kumar Ram Son of Ram Khelawan Ram Resident of Ambedkar Nagar,
P.S-Mihijam, District-Jamtara (Jharkhand).

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Manoj Kumar, Branch Manager, Central Bank Of India Branch College of
Commerce, P.S.- Patrakar Nagar, Dist- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar

For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 18-06-2020 The matter has been taken up through virtual Court
proceeding.

Heard learned counsel for the petitioner, learned
counsel appearing for the informant-opposite party no. 2 and
learned APP for the State.

The petitioner is languishing in custody since
19.06.2019 in a case registered for the offences punishable
under Sections 419, 420, 465, 467, 468, 469, 471, 472 and
474/34 of the Indian Penal Code, hence, the prayer for bail has
been made through the present application.

It appears that vide order dated 19.03.2020, a report
was called for from learned Additional Chief Judicial



Magistrate-VIII, Patna with regard to time frame likely in concluding the trial and the S.S.P., Patna was directed to produce the witnesses so that the learned Court below will proceed with the trial on day-to-day basis and learned District & Sessions Judge, Patna was further directed to keep proper watch over the procedure. The office note dated 30.05.2020 reflects that the report has yet not been received perhaps due to non-functioning of physical court proceedings due to the present pandemic, COVID-19.

On joint prayer of the parties, the matter is being taken up on merits. Accordingly, the order dated 19.03.2020 stands modified.

The prosecution case, as per the written report of Manoj Kumar, Branch Manager, Central Bank of India, College of Commerce Branch, Patna submitted to the Station House Officer, Patrakar Nagar Police Station, is to the effect that on 17.06.2019 at about 12.45 P.M., the informant received a telephone call, the caller claimed himself to be Registrar of Patliputra University and he was calling from the Chamber of the Chancellor and aksed the informant that he has sent a person with two cheques for its transfer in account through RTGS, thereafter, one person came into the branch of the informant



claimed himself to be Raj Kumar Ram, the petitioner and he handed over two cheques worth Rs. 1,52,08,000/- and Rs.3,05,01,000/- dated 17.06.2017. Thereafter, the informant called the Registrar of Patliputra University for verifying about the cheque, who conveyed that he has not issued cheques, thereafter, the Accountant of the said University was contacted for verification and he also stated that no such cheque has been issued by him. Thereafter, Patrakar Nagar police was informed and police came and the petitioner was apprehended.

It is submitted by learned counsel for the petitioner that even assuming the accusation to be true that the petitioner tried to play fraud and cheated the University but no actual loss has been caused as the amount of the cheques was not sent through RTGS. The petitioner is languishing in custody since 19.06.2019 and investigation has already been concluded. It is further submitted that there is no likelihood of trial being concluded in near future since the physical court is not functional due to present pandemic, COVID-19. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel appearing for opposite party no. 2, the bank submits that the petitioner tried to cheat the bank and



the University by fraudulently making an attempt to encash the cheques and it was the promptness of the informant that the huge amount could not be sent through RTGS and hence, the petitioner should not be granted bail.

Learned counsel for the State while supporting the submissions made by the learned counsel for the informant and submits that the petitioner made attempt to cause huge loss to the bank and the University.

Considering fact that the investigation has already been concluded, the cheques were not encashed and money was not transferred into the bank account and there is no likelihood of trial being concluded in near future since the physical court is not functional due to present pandemic, COVID-19, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, 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-VIII, Patna in connection with Patrakar Nagar P.S. Case No. 438 of 2019.

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-VIII, Patna in connection with Patrakar Nagar P.S. Case No. 438 of 2019.

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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