IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60031 of 2018

Arising Out of PS. Case No.-673 Year-2017 Thana- BUXAR District- Buxar

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1. Diwakar Kumar, S/o Shri Krishna Murari Prasad, R/o Sindhua Toli, Gulzarbagh, P.S.- Alamganj, District- Patna.
2. Naina Sarsij, D/o Shri Tushar Kant Sarsij, R/o East Gandhi Maidan, P.O.+ P.S.- Jehanabad, District- Jehanabad.
3. Rameshwar Ram, S/o Shri Samaji Ram, R/o Naya Pital Tola, P.O.+P.S.- Nawada, District- Bhojpur.

... ... Petitioners

Versus

The State of Bihar

... ... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Abhinav Srivastava, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

6 12-06-2020 Heard learned counsel for the petitioners and learned counsel for the State via video conferencing.

The petitioners seek pre-arrest bail in connection with Buxar Town P.S. Case No.673 of 2017 registered for the offences punishable under Sections 406, 420, 467, 468, 471 and 120B of the Indian Penal Code.

It is contended on behalf of the petitioners that subsequent upon the institution of the first information report, the concerned authorities in the Bank of Baroda conducted an inquiry into the matter after seeking explanations from the concerned employees posted and working in the Buxar branch of the bank including the present petitioners. The authorities also examined the CCTV footage of the bank. On the basis of the investigation carried out by them, it surfaced that an unknown person had stolen the cheque from the counter of the petitioner no.2 and had changed the name on the cheque in the column of the payee. He subsequently produced the same, which was honoured by the bank and Rs. 4,20,000/- was debited from the bank account of the complainant. It is further contended that the petitioners did not have any involvement in the fraud. They were not part of any conspiracy, which led to the fraudulent withdrawal of an amount from the bank account of the complainant. It was merely on account of theft having been committed by an outsider, who subsequently manipulated the cheque in question and got the amount of money in question fraudulently withdrawn from the bank account of the complainant.

Learned counsel for the State has opposed the prayer for grant of pre-arrest bail to the petitioners.

Regard being had to the materials on record and the submissions advanced on behalf of the parties, the provisional bail granted to the petitioners vide order dated 18.12.2018 is, hereby, confirmed.

(Ashwani Kumar Singh, J.)

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