

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20434 of 2021

Arising Out of PS. Case No.-705 Year-2020 Thana- KAHALGAON District- Bhagalpur

Sonu Kumar S/o Pappu Sah R/o village- Pokhariya Gunda Chawk, Purnea,
P.S.- Sadar, District- Purnea

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh

For the Opposite Party/s : Mr. Jagdhar Prasad A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 14-07-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Kahalgaon P.S. Case No. 705 of 2020, registered for the offence under Sections 406, 420, 120B of the Indian Penal Code.

As per the prosecution case, this petitioner alongwith other FIR named accused persons, on the pretext of providing loan of Rs. 35,00,000/- (thirty five lacs), took a sum of Rs. 3,50,000/- (three lacs & fifty thousand) from the informant. It is further alleged that in the same manner, a sum of Rs. 10 lacs has allegedly been taken from one Prabha Devi on the pretext of providing a loan of Rs. One Crore and to this effect, a cheque of Rs. One Crore was issued from the account of *Shivani Swayam Sahayata Samuh*, Neelganj Koti, Gulab Bagh, Purnea, which



bears the signature of co-accused Manorma Devi, as cashier and of Sita Jha, as Chairperson. Upon inquiry, it revealed that there was no fund in the said account and thus, this petitioner alongwith other FIR named co-accused have cheated the informant and other person(s).

It is submitted on behalf of petitioner that there is no specific allegation against the petitioner that he has taken money or issued a cheque in favour of the informant. Petitioner has been made accused in this case only due to the fact that he is the son of co-accused Manorama Devi. It is further submitted that *an offence of forgery cannot lie against a person, who has not created or signed it.* Thus, from the aforesaid fact, it is apparent that there is no evidence against this petitioner of taking money from the informant or issuing a cheque. Petitioner has got clean antecedent and he is in custody since 11.11.2020. Investigation is complete.

Learned A.P.P. for the State has opposed the bail petition.

Considering the nature of allegation and period of custody, the bail petition of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount



each to the satisfaction of learned C.J.M., Bhagalpur in connection with Kahalgaon P.S. Case No. 705 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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