

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83835 of 2019

Arising Out of PS. Case No.-237 Year-2019 Thana- PARWALPUR District- Nalanda

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1. RUKMINI DEVI W/o Vinod Pandit Resident of Village - Katrubigha, P.S.- Parwalpur, Distt.- Nalanda.
 2. Vinod Pandit Son of Late Karu Pandit Resident of Village - Katrubigha, P.S.- Parwalpur, Distt.- Nalanda.
 3. Suresh Pandit Son of late Bhattu Pandit Resident of Village - Katrubigha, P.S.- Parwalpur, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pramod Kumar
	:	Mr.Ritesh Kumar
For the Opposite Party/s	:	Mr.Awadhesh Kumar Singh
	:	Mr.Rabi Bhushan Prasad No. 1
	:	Mr.Rakesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

16 10-03-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

This application for grant of regular bail arises out of
Parwalpur P.S. Case No. 237 of 2019 registered for the offences
punishable under Sections 323, 406, 409, 420, 467, 468, 471,
419, 34 and 120B of the Indian Penal Code.

The allegation in the F.I.R. which is based on a
complaint petition filed by one Shailendra Kumar relates to
misappropriation of public money released for Nal Jal Yojna.



The informant was nominated secretary of the Committee constituted for execution of the scheme. The petitioner no. 1 was the Ward member and in that capacity she was associated with the committee constituted for the said purpose. The petitioner no. 2 is the husband of petitioner no. 1 whereas petitioner no. 3 is related to petitioner no. 1.

From the prosecution's case, as alleged in the F.I.R., it transpires that allegedly certain amount was fraudulently withdrawn from the bank by using signature of the complainant and thumb impression of petitioner no. 1. It is the case of the prosecution that family members of petitioner no. 1 connived in putting thumb impression on the cheque leading to fraudulent withdrawal of money.

Learned counsel appearing on behalf of the petitioner has submitted that the work has already been executed and during the course of investigation by the police it has emerged that the thumb impression available on the cheque, which was used for withdrawal of money from the bank was not that of the petitioner no. 1. According to him the amount was fraudulently withdrawn by the informant using someone else's thumb impression.

Learned counsel appearing on behalf of the



informant has argued that family members of petitioner no. 1 had misrepresented before the informant that they had obtained thumb impression of petitioner no.1 on the cheque whereafter the amount was withdrawn.

Be that as it may, considering the fact that during the course of investigation, it has transpired that the thumb impression on the cheque was not that of the petitioner no. 1., her application is allowed.

Petitioners no. 2 and 3 have been implicated on the basis of their relationship with petitioner no. 1. Since this application has been allowed in respect of petitioner no. 1, the same is allowed in respect of petitioner no. 3 also.

It has been stated at the bar that the petitioner no. 2 has been apprehended during the pendency of this application and he has been granted regular bail.

This application to the extent, the same relates to petitioner no. 2 has become infructuous and is accordingly disposed of.

Accordingly, let the petitioners no. 1 and 3, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Hilsa,



Nalanda in Parwalpur P.S. Case No. 237 of 2019.

(Chakradhari Sharan Singh, J)

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