

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67558 of 2021

Arising Out of PS. Case No.-625 Year-2020 Thana- CHAPRA TOWN District- Saran

Jagjot Singh, Son of Amarik Singh, Resident of Quarter No.- 41, Zone 07,
Birsa Nagar, P.S.- Golmuri, District - Purbi Singhbhum, Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Economic Offence Unit, Through S.P., E.O.U, Patna Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 17566 of 2022

Arising Out of PS. Case No.-625 Year-2020 Thana- CHAPRA TOWN District- Saran

Atul Shakti @ Atul Savik, Son Of Upendra Sharma, R/O Village- House No.-
18 C/O- Ashish Pandit, N.H.-80, Talvana, P.S.- Town (SAHEBGANJ),
District- Sahebganj, Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 67558 of 2021)

For the Petitioner/s	:	Mr.Anjani Kumar Jha, Advocate
For the State	:	Mr.Surendra Prasad Singh, APP
For the EOU	:	Mr. V.N.P. Sinha, Sr. Advocate
		Mrs. Soni Shrivastava, Advocate

(In CRIMINAL MISCELLANEOUS No. 17566 of 2022)

For the Petitioner/s	:	Mr.Santosh Kumar, Advocate
For the State	:	Mr.Ajay Kumar Jha, APP
For the EOU	:	Mr. V.N.P. Sinha, Sr. Advocate
		Mrs. Soni Shrivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

6 18-10-2022 Since both the applications arise out of Chapra Town

P.S. Case No. 625 of 2020, as such, they have been taken up

together and are being disposed of by this common order.

Heard learned counsel for the petitioners and learned



APP for the State as well as learned senior counsel for the EOU.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks.

In the present case, the petitioners seek bail in connection with Chapra Town P.S. Case No. 625 of 2020 registered for the alleged offences under Sections 419, 420, 467, 468, 120B, 66(C) and 66(D) of the Indian Penal Code.

As per prosecution case, Rs. 87,00,000/- (eighty seven lakhs) was withdrawn on the basis of encashment of cloned cheques. The name of the petitioners transpired as accused persons during investigation.

It has been submitted by the learned counsel for the petitioner Jagjot Singh that the petitioner is not a beneficiary of the amount transferred from the Government fund in any manner and nothing has come on record to show that he got a penny from amount claimed to have been encashed on the basis of cloned cheques. From the FIR, it is apparent that a case was registered against co-accused Sandip Mangilal Kothari and the concerned Bank Manager. The entire amount has been remitted back by the co-accused and on that basis the co-accused Bank Manager Prabhat Kumar has been granted anticipatory bail by a Co-ordinate Bench vide order dated 16.12.2021 passed in Cr.



Misc. No. 26141 of 2021. Whatever recovery has been shown from this petitioner, the same is in connection with another case that is Shiwni P.S. Case No. 1496 of 2020. Petitioner Jagjot Singh is in custody since 15.04.2021 and charge-sheet has been submitted in this case.

It has been submitted on behalf of the petitioner Atul Shakti that nothing has come on record to connect this petitioner with the alleged offence. He has been made accused merely on suspicion. The petitioner is neither a beneficiary nor his involvement is shown in any manner in this case. The name of the petitioner has transpired during investigation as it was found that his mobile location was same with other co-accused persons and even from his confessional statement it would be appear it is not an admission to any offence but being an admission of companionship with other co-accused persons. Petitioner Atul Shakti is in custody since 23.07.2021 and charge-sheet has been submitted.

Learned APP as well as learned senior counsel appearing on behalf of the EOU vehemently oppose the prayer for bail. Learned senior counsel submits that it is a case of conspiracy and for this reason no evidence would be forthcoming in normal manner. However, from the petitioner



Jagjot Singh, four mobile phones were recovered and on one of the mobile phones, photograph of cloned cheque, which was used to withdraw from the bank of Rs. 42 lacs, was found. Furthermore, this petitioner furnished a wrong address when he was first arrested and there is every chance that he may flee away if enlarged on bail.

Regarding petitioner Atul Shakti learned senior counsel submits that he is also one of the conspirators and a number of forged documents were recovered from this petitioner.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of allegation and material collected during investigation which does not show some direct connection of the petitioners with the alleged offence along with period of custody of the petitioners and submission of charge-sheet against them, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Chapra Town P.S. Case No. 625 of 2020, subject to the



conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) The bail bond of the petitioners will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be the person, who has sworn the affidavit in the case.

(iii) The petitioners will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

However, the learned trial court is directed to expedite the trial and conclude the same within a period of six months.

(Arun Kumar Jha, J)

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