

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22720 of 2022

Arising Out of PS. Case No.-117 Year-2017 Thana- BUDDHACOLONY District- Patna

TUTU KUMAR @ TIPU KUMAR S/o Sri Niranjana Kumar Yadav Resident
of - Mainpura (Rajapur), P.S.- Patliputra, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Branch Manager, State of Bank of India, Branch Boring Canal Road,
Patna. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhimanyu Deo, Adv.
For the State : Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 30-11-2022 Heard the learned counsel for the
petitioner and the learned APP for the State, Ms.
Anita Kumar Singh.

The present petition is by way of third attempt at the behest of the petitioner for grant of bail in connection with Budha Colony P.S. Case No. 117 of 2017 registered for the offences punishable under Sections 379, 420, 467, 468, 471/34 of the Indian Penal Code, inasmuch as the earlier petitions of the petitioner for grant of bail have all stood dismissed by this Court.

The case of the prosecution, according to



the informant namely Parijat Choudhary, the then Branch Manager, State Bank, Boring Canal road branch, is that the petitioner herein had managed to tamper with the cheque issued by one Dayashankar Verma, resident of Kolkatta, which was issued for the purposes of opening De Mat account and the said cheque was a cancelled cheque and could not have been credited to any one's account. This resulted in a sum of Rs. 2 lacs being illegally and fraudulently credited to the account of the petitioner herein, who with ill motive, withdrew the said amount of Rs. 2 lacs on the very same day. It is the further case of the prosecution that when the petitioner was contacted and told to come to the Branch, he neither came to the Branch nor gave any clarification, hence it is the case of the prosecution that the petitioner has indulged in illegal withdrawal of money from the Bank.

This Court had called for a report from the learned trial court with regard to the present stage of the trial and the time likely to be consumed for



completion of the trial, whereupon an unsatisfactory reply dated 14.11.2022 was submitted by the learned Judicial Magistrate 1st Class-cum-A.M.-XVIII, Patna (Sadar) Civil Court, Patna, hence, this Court had directed the District & Sessions Judge, Patna to enquire into the matter and furnish an enquiry report cum explanation, pursuant whereof, the District & Sessions Judge, Patna, vide letter dated 19.11.2022, has furnished date-wise proceedings of the trial in question, right from the day charge was framed by the learned ACJM-16th, Patna, on 6.11.2018 till today, a bare perusal whereof shows that the affairs of the learned trial court are in shambles and depicts a very sorrow state of affairs, hence, requires remedial and corrective measures to be undertaken by the District & Sessions Judge, Patna. It is directed accordingly.

This Court takes note of the fact that the learned Judicial Magistrate 1st Class-cum-A.M.-XVIII, Patna has undertaken that he would make all efforts to dispose of the trial within a



period of six months. It is directed accordingly.

The learned counsel for the petitioner has submitted that the petitioner is languishing in custody since 8.11.2017 i.e. since about five years and this Court has already noted hereinabove the state of affairs of the trial court where not even a single witness has been examined in the ongoing trial, right from the day, the charge was framed i.e. on 6.11.2018, till date, hence, it is submitted that considering the allegation levelled against the petitioner and the sentence, which can be awarded even if the petitioner is convicted for the offence alleged, the petitioner deserves to be enlarged on bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submission made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the nature of allegation levelled against the petitioner vis-a-



vis the period of incarceration of the petitioner, apart from the fact that there is no progress, whatsoever, in the ongoing trial, I deem it fit and proper to admit the petitioner to the privilege of regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Patna in connection with Budha Colony P.S.Case No. 117 of 2017.

Let a copy of this order be transmitted to the Ld. District & Sessions Judge, Patna for needful compliance at his end.

(Mohit Kumar Shah, J)

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