

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48140 of 2021**

Arising Out of PS. Case No.-293 Year-2015 Thana- SUPAUL District- Supaul

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Digambar Jha S/O Lambodar Jha R/O Village- Panchgachia, P.S.- Bihra,
District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 23-06-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Supaul P.S.Case No. 239 of 2015 registered for the offences
punishable under Sections 406, 409, 467, 468, 471, 420, 120B
of the Indian Penal Code.

As per prosecution case, it is alleged that the branch
Manager of SBI Chakla Nirmali Branch, informed to the
informant that cheque No. 001428 dated 17.06.2015 at Rs.
8,60,400/- was presented and after seeing the signature and
papers attached thereto a doubt has been cast. Thereafter, on
verification from the CCTV footage, it has been found that one



Bablu Kumar Chaudhary, presented the cheque and when he was called upon. He confessed his guilt and disclosed the name of co-accused persons.

It is submitted by the learned counsel for the petitioner that petitioner is not even named in the FIR and there is specific allegation against co-accused Bablu Kumar Chaudhary, who had present the cheque and he has confessed his guilt and disclosed the name of two persons with regard to their involvement in handing over cheque with ulterior motive. It is further submitted that even as per FIR, no material is available on the record, which shows wrongful gain has been made to the petitioner or any loss caused to the bank or customer. Fraudulent withdrawal was not made by the petitioner and FIR named accused persons confessed his involvement. It is next submitted that petitioner is head clerk of the District Welfare Office and he was not the custodian of the cheque, his name has been implicated only on the confession of other co-accused. Moreover, the petitioner was put under departmental proceeding and he has already dismissed from his service.

On the other hand, learned APP for the State opposes the bail application of the petitioner.

Having considered the submissions made on behalf of



the parties and taking into consideration the fact that petitioner is not named in the FIR and nor any wrongful gain has been made in favour of the petitioner nor any loss has been caused to the bank or customer, apart from the fact that FIR named accused persons namely, Bablu Kumar Chaudhary, who had presented the cheque has already been granted bail by a co-ordinate Bench of this Court in Cr.Mis. No. 43359 of 2015 vide order dated 30.11.2015, apart from the fact petitioner is in custody since 30.06.2021, let the petitioner above named, be released on bail, in the event of his arrest or surrender before the court below within eight weeks from today, on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul in connection with Supaul P.S.Case No. 293 of 2015 subject to the conditions as laid down under Section 438(2) of the code of Criminal Procedure with the following conditions:-

- (i) One of the bailors should be the close relative of the petitioner.
- (ii) The petitioner will cooperate in the investigation as well as in conclusion of the trial.
- (iii) He will not try to tamper with the evidence or



intimidate the witnesses in course of investigation or during the
course of trial.

(Harish Kumar, J.)

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