

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66559 of 2021

Arising Out of PS. Case No.-529 Year-2021 Thana- NAGAR District- Vaishali

NAGENDRA KUMAR, Son of Late Raghuni Singh, Resident of Village -
Lodipur, P.S.- Hajipur Town, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-04-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Hajipur
Town P. S. Case No. 529 of 2021, G.R. No. 3570 of 2021
instituted for the offences under Sections 406, 420/34 of the
Indian Penal Code.

The learned counsel for the petitioner submits that
the petitioner is in custody since 20.09.2021, he is a person with
clean antecedent and charge-sheet has been submitted in this
case.

The learned counsel for the petitioner further submits
that the informant alleges that Awadhesh Kumar had deposited a
cheque of Rs. 8,00,000/- (eight lac) issued by the petitioner on
31.03.2021, further the amount was credited in his account but
the cheque was sent for verification to CPPC, Patna, SBI,
further on 03.04.2021 the informant received information that
the cheque has bounced for insufficiency of fund, further
Awadhesh Kumar on 03.04.2021 itself had transferred Rs.
1,00,000/- (one lac) through UPI and issued a cheque of Rs.



7,00,000/- (seven lac) in favour of Saurabh which was also credited in his account. Further, Awadhesh was intimated about the facts immediately and thereafter he was intimated in writing on 07.04.2021 but he remained silent and did not return the amount. Thus, alleges that Awadhesh Kumar who is a generator operator in Allahabad Bank, R.N. College, Branch, Hajipur committed cheating in connivance with Saurabh Kumar and Nagendra Kumar.

Learned counsel for the petitioner submits that petitioner has been falsely implicated and no recovery of amount was made from possession of the petitioner.

Learned counsel for the petitioner submits that petitioner had issued a cheque in favour of Awadhesh Kumar and he deposited the said cheque in his own account and the bank without getting the cheque verified credited the amount in the account of Awadhesh Kumar and thereafter Awadhesh Kumar transferred Rs. 1,00,000/- (one lac) through UPI and further issued cheque of Rs. 7,00,000/- (seven lac) in favour of Saurabh Kumar which was also encashed. Learned counsel for the petitioner thus submits that it absolutely does not stand to reason that when the bank had sent the cheque issued by the petitioner for verification, then why the said amount was credited in the account of Awadhesh Kumar prior the verification and if the amount was credited in the account of Awadhesh Kumar then why the bank allowed the cheque issued by Awadhesh Kumar in favour of Saurabh Kumar to be encashed when the verification report CPPC, Patna, SBI was not received till then.

Learned counsel for the petitioner submits that admittedly from perusal of the allegation as alleged in the FIR,



it appears that it was the bank authority in connivance with Awadhesh Kumar and Saurabh Kumar committed the fraud. Learned counsel for the petitioner submits that it appears that even the police investigates the case mechanically.

Learned counsel for the petitioner further submits that it absolutely does not stand to reason that if a person has issued a cheque how can he be implicated in a case under Section 420 of the IPC when the bank without verification encashes his cheque and allow the person in whose favour the cheque were issued to further transfer the amount. It is further submitted that the petitioner is not a beneficiary.

Learned A.P.P. opposes the bail application.

Considering the fact that the petitioner is in custody since 20.09.2021, charge-sheet has been submitted in this case and he is a person with clean antecedent, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 529 of 2021, G.R. No. 3570 of 2021.

Let a copy of this order be sent to the Superintendent of Police, Hajipur for perusal.

(Satyavrat Verma, J)

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