

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15824 of 2023

Arising Out of PS. Case No.-555 Year-2022 Thana- HILSA District- Nalanda

PANKAJ NIGAM Son of Late Sitaram Singh R/V- Kamta, P.S- Hilsa, Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Lakshmi Kant Sharma, Advocate Mr. Akshay Ashis, Advocate
For the State	:	Mr. Awadhesh Kumar Singh, APP
For the Informant/s	:	Mr. Ravi Shanker Pankaj, Advocate

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 3 18-05-2023 1. Heard learned senior counsel for the petitioner, learned counsel for the informant and learned APP for the State.
2. Petitioner seeks regular bail in connection with Hilsa P.S. Case No. 555 of 2022, dated 03.08.2022 registered for the offences punishable under Sections 406, 420 and 120(B) of the Indian Penal Code.
3. The main submissions advanced by learned Senior counsel appearing for the petitioner are that the FIR itself goes to show that there was a partnership in between the petitioner and the informant and they formed a private construction company namely, Avipriyansh Construction Private Limited Company in which the petitioner had admittedly 50 percent



share and it is also an admitted position that the petitioner and the informant jointly opened a current account in State Bank of India, Hilsa Branch and the allegation is that the petitioner withdrew Rs. 4,80,000/- from the said bank account and misappropriated the said amount for his personal use and the said allegation does not attract any criminal offence as it relates only to a civil wrong and moreover, the petitioner has been languishing in jail since 01.01.2023 and against him the investigation has been completed. Further submissions are that it is completely false allegation that the alleged amount of Rs. 4,80,000/- was misappropriated by the petitioner, rather he paid the said amount to one namely Ashutosh Kumar, with regard to the payment of construction materials and in this regard a certificate issued by him vide Annexure-2 is relevant and further the concerned bank official of the branch concerned has written a letter to S.D.P.O., Hilsa vide Annexure-3, revealing in the said letter that there was a dispute in between this petitioner and the informant with regard to money transaction.

4. Learned counsel for the informant has vehemently opposed the prayer for bail and submitted that the petitioner not only misappropriated the alleged amount which was concerned to the business but also committed forgery in respect of the



cheque in the name of the informant by making forged signature on the alleged cheque and the cheque book starting from 81436 to 81535 which was issued in the name of the informant, was stolen and one of the cheques **bearing No. 081441** was misused by this petitioner by making forged signature of the informant on the said cheque and in the alleged wrong, bank official of the concerned branch was also involved with this petitioner and in this regard Annexure-D, attached to the *Counter Affidavit* is relevant which shows that the signature on the disputed cheque purported to be of this informant does not tally with the original signature of the informant and the said fact clearly shows that a conspiracy was hatched up by this petitioner with the help of bank officials and accordingly, he does not deserve to the privilege of bail. Further submission is that the petitioner has criminal antecedents of several cases of similar nature.

5. Considering the facts and circumstances of this case and mainly the nature of allegation appearing from the FIR which shows that there was a partnership in between the petitioner and the informant and admittedly the petitioner and informant jointly opened a bank account and the alleged amount of Rs. 4,80,000/-, which is stated to have been misappropriated by this petitioner has already been deposited in the said joint



bank account, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Hilsa P.S. Case No. 555 of 2022.

(Shailendra Singh, J)

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