

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26330 of 2022

Arising Out of PS. Case No.-118 Year-2009 Thana- RAJPUR District- Buxar

Uma Shankar Ram, S/o Late Shiv Bachan Ram, R/o Village - Tiwara, P.S. -
Rajpur, District - Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Madhya Bihar Gramin Bank, Head office, Meena Plaza, South of Museum,
Patna. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Manish Kumar, Advocate
For the State	:	Mr.Shantanu Kumar, APP
For Opposite Party No.2:	:	Mr. Purushottam Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 02-02-2023 Counsel for the Gramin Bank has filed
appearance/*Vakalatnama*. The same be taken on record.

Heard learned counsel for the petitioner and the
learned APP for the State as well as learned counsel for the
Gramin Bank.

The petitioner seeks bail in connection with Rajpur
P.S. Case No.118 of 2009 registered for the offence punishable
under Sections 420, 467, 468 and 34 of the Indian Penal Code.

There is an allegation that the petitioner, who was
Principal of the School, has made certain withdrawals from the
account of the Vidhyalay Shiksha Samiti maintained in the
Gramin Bank. Though the petitioner was one of the authorized
signatories for making withdrawals by cheques, it is alleged that
he has also forged the signature of the Secretary of the School
(co-signatory).

Learned counsel for the petitioner submits that the



petitioner has remained in custody now since 26.02.2022. Even in the case diary, the total amount withdrawn, as per allegation, is about Rs.1,50,000/-. Annexure-2 manifests utilization of the funds towards certain infrastructure building of the concerned School. The petitioner had earlier been allowed anticipatory bail in Cr.Misc. No.23721 of 2010, the benefit of which he could not avail on account of some communication gap arising out of demise of the counsel who was then appearing on his behalf. It is further submitted that co-accused Ravikant, Ex-Secretary has not been sent up for trial. The other case, which is pending against the petitioner, also arises out of the same allegation, but at the instance of the Secretary Ravikant. Investigation is complete.

Learned APP for the State as well as the learned counsel for the Bank has opposed the prayer for bail. It is submitted that from the case diary it is evident that an amount of nearly Rs.1,50,000/- has been withdrawn by the petitioner by forging signature of the Secretary along with him in the cheques.

Considering the rival submissions, the period of custody, the fact that the investigation is complete, as also the order passed in Cr.Misc. No.23721 of 2010, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Accordingly, let the petitioner, above named, be released 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 learned Additional Chief Judicial Magistrate-V, Buxar, in connection with Rajpur P.S. Case No.118 of 2009,



subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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