

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29602 of 2022

Arising Out of PS. Case No.-436 Year-2019 Thana- SIKARPUR District- West Champaran

MAHATAB ALAM Son of Gulam Rasul Chairman Madarsa Herathul Ulum,
Resident of Village - Nawko Tola, Ambedkar Nagar, Padrauna, P.s.- Kotwali
Padrauna, Distt.- Kushi Nagar (Uttar Pradesh).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 30495 of 2022

Arising Out of PS. Case No.-436 Year-2019 Thana- SIKARPUR District- West Champaran

AAKASH KUMAR S/o Madan Rai R/o Village- Akilabad, P.S.- Hajipur
Sadar, Dist- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 37015 of 2022

Arising Out of PS. Case No.-436 Year-2019 Thana- SIKARPUR District- West Champaran

Priya Singh Wife Of Ranjan Singh Resident Of Village- Rampur Mathiniya,
Police Station- Kotwali Padrauna, District - Kushi Nagar Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 29602 of 2022)

For the Petitioner/s	:	Mr.Vijay Kr Singh No. 1, Advocate
For the State	:	Mr. Chandra Bhushan Prasad, APP
For the SBI	:	Mr. Amit Shrivastava, Sr. Advocate

Mr. Girish Pandey, Advocate
Mr. Apurv Harsh, Advocate
Mr. Prashand Bhardwaj, Advocate
Mr. Manu Tripurari, Advocate

For the informant	:	Mr. Sumit Kumar, Advocate
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For the Opposite Party/s	:	Mr.Rajendra Nath Jha,
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(In CRIMINAL MISCELLANEOUS No. 30495 of 2022)

For the Petitioner/s	:	None
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For the Opposite Party/s : Mr.Jai Narain Thakur, APP
For the informant : Mr. Sumit Kumar, Advocate
(In CRIMINAL MISCELLANEOUS No. 37015 of 2022)
For the Petitioner/s : Mr.Vijay Kr Singh No. 1
For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP
For the informant : Mr. Sumit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 01-02-2023 **Criminal Miscellaneous No.30495 of 2022**

This case was heard along with analogous cases in view of the fact that one of the co-accused Mahatab Alam was granted interim protection on 16-11-2022, the same was also extended to him despite the fact that none had appeared on behalf of the petitioner as informed by learned counsel for the informant as also by Mr. Amit Srivastava, learned counsel for the State Bank of India.

Today also on call none appeared on behalf of the petitioner, Aakash Kumar and as such the present petition vide Cr. Misc. No.30495/2022 stands dismissed for non-prosecution.

Criminal Miscellaneous No.29602 of 2022
(Mahatab Alam vs. The State of Bihar) & Criminal
Miscellaneous No.37015 of 2022 (Priya Singh vs. The State
of Bihar)

As per the prosecution story, informant alleges that his father died on 23.07.2019 and he had an account in the S.B.I., Main Branch, Narkatiyaganj in which Rs.47,00,000/-



was in balance. The informant being nominee on 08.08.2019 submitted an application to the bank with all requisite documents to transfer the said amount in his account. On 09.10.2019, the informant came to know that an amount of Rs.10,00,000/- and Rs.5,00,000/- has been transferred from the account of his father to another account through NEFT but no information was supplied to him by the bank. On query, the Manager of the Bank disclosed that on 08.08.2019 and 09.08.2019 the aforesaid amount were transferred to another account.

Learned counsel for the petitioners Mr. Vijay Kumar Singh No.1 at the outset submit that without accepting the allegation that has been made in the FIR, he intends to pay back Rs.10,00,000/- through two account payee cheques of Rs.5,00,000/- each issued by the Indian Bank dated 02.02.2023.

Learned counsel for the informant accept the said account payee cheques on behalf of the informant and submits that although the nature of allegation is grave against the petitioners, in view of the fact that the payment of Rs.10,00,000/- is being made through account payee cheque. He refrains from opposing the prayer. However, his further submission that is that he has apprehension that the account



payee cheque of Rs.5,00,000/- each handed over to him may bounce.

Mr. Amit Srivastava, learned Senior Counsel who represent the State Bank of India has submitted that keeping the bank in dark, the informant too played game and even after the death of his father, he used the ATM Card issued to his father and as such his conduct is also not above board.

Be that as it may, this is prayer for grant of anticipatory bail to the two petitioners one of whom was the Chairman (Mahatab Alam) and the other was the Principal (Priya Singh), the amount is being returned by them under protest, both of them have do not have criminal antecedent, they will be cooperating in the investigation and will ultimately face the trial, this Court is inclined to extend them the privilege of anticipatory bail, subject to the condition that if any of the two cheques get bounced, the informant will be free to take steps in accordance with law for another criminal act.

Let the petitioners be released on bail, in the event of their arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Shikarpur



P.S. Case No.436 of 2019 to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran, subject to the conditions as laid down under Section 438(2) of the Cr.P.C with further conditions:

(i) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(ii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(iii) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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