

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54271 of 2023

Arising Out of PS. Case No.-625 Year-2020 Thana- CHAPRA TOWN District- Saran

SANDEEP MANGILAL KOTHARI SON OF LATE LATE MANGILAL
KOTHARI RESIDENT OF VILLAGE/ MOHALLA - JOSEF SALVE
SHIVNAGAR PIPE LINE ROAD, EKBIRA CHAUK, SAVEDI, P.S. -
TOPKHANA, DISTRICT - AHMADNAGAR, STATE - MAHARASHTRA

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 25-08-2023

Heard the parties.

The petitioner is in custody in connection with Chapra Town P.S. Case No. 625 of 2020 for the offence under sections 419, 420, 467, 468, 120(B) of the Indian Penal Code and 66 (C), 66(D) of the I.T. Act lodged on 25.11.2020 by the informant, Vidhan Chandra Ray.

As per the prosecution story, the allegation is that by cloning of the cheque nos. 211 and 212 of the District Planning Officer, Saran, Chapra from the account of M.P. Local Area Development fund, Rs. 42,00,000/- and Rs. 47,00,000/- were transferred to the account of the petitioner.

It is the case of the informant that the cheques are intact in the office, but the same was encashed by the accused



persons. This led to the FIR.

Learned counsel for the petitioner submits that he is a labour, used to clean the water tank for his livelihood and the accused persons lured him that if he allowed his account to be used for deposition of cheques, he will be given 10% amount. In good faith, he allowed Ganesh Vitthal Gawade and Sharwan Tegla Palli to use his account which resulted into his implication in this case.

The further submission is that the amount (Rs. 89,00,000/-) since stands returned by the accused persons in the account of the informant on 23.03.2021 which has been verified by the Bank statement dated 24.03.2021 and recorded in the case diary.

The last submission is that other co-accuseds including the Branch Manager have been granted bail and details have been incorporated in paragraph 11 of the petition (vide Cr. Misc. No. 26141 of 2021, Cr. Misc. No. 17566 of 2022 and Cr. Misc. No. 67558 of 2021).

Learned APP opposes the prayer for bail stating that his account was used for siphoning of the M.P. Local Area Development Fund.

Though the petitioner cannot run away from the



accusation that his account was used for transferring the amount through cheque nos. 211 and 212 of the office of the District Planning Officer, Saran, Chapra and in that way, Rs. 89,00,000/- were transferred, in view of the fact that the amount stands returned, he was a labour and was used by main accused, has remained in custody since 01.07.2021 (para 7 of the petition) and further, do not have criminal antecedent, the other accused named in the FIR have been released on bail, as stated above, he will be diligently appearing in trial, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Chapra, Saran, in connection with Chapra Town P.S. Case No. 625 of 2020 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) 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 bail bond by the Trial Court itself;



(iii) 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 the bail bonds;

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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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