

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60325 of 2022

Arising Out of PS. Case No.-210 Year-2021 Thana- HISUWA District- Nawada

1. Niru Devi, aged about 43 years (Female), W/o Gaya Paswan, R/V- Dihuri, P.S.- Hisua, Distt- Nawada.
2. Gaya Paswan, aged about 46 years (Male), S/o Jagdish Paswan, R/V- Dihuri, P.S.- Hisua, Distt- Nawada.

... .. Petitioners

Versus

The State of Bihar & Anr

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr. Pramod Kumar Verma, Advocate
For the Informant	:	Mr. Sheo Kumar Prasad, Advocate
For the State	:	Mr. Parmeshwar Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

10 20-12-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Hisua P.S. Case No. 210 of 2021 dated 13.04.2021 registered for the offences punishable under Sections 406 and 420 of the I.P.C.

4. As per the prosecution case, it is alleged that a



joint Bank Account No. 0685000101054561 was opened under 'Saat Nischyay Scheme' in the Punjab National Bank', Hisua, Nawada, in which there is provision to withdraw the money with the signature of the ward member Niru Devi (petitioner no. 1) and the ward secretary Ajay Kumar but the ward member Niru Devi (petitioner no. 1) withdrew Rs. 99,000/- through Cheque No. 582594 and Rs. 94,000/- through Cheque No. 582595 in the name of Mithilesh Kumar after putting forged signature of the ward Secretary, Ajay Kumar under conspiracy with Gaya Paswan (petitioner no. 2). It is further alleged that the old cheque book and pass book are kept in the possession of Niru Devi (petitioner no. 1) and the new cheque book was given to the ward secretary Ajay Kumar on the order of the B.D.O., Hisua, Nawada, for completing the work of Ward No. 5. It is alleged that the bank officer without verifying the specimen signature, paid the said money to Niru Devi (petitioner no.1). It is further alleged that when Ajay Kumar was designated as Up-Mukhiya, he gave his specimen signature to the P.N.B., Hisua Branch, Nawada on 13.10.2020 and after the letter of the B.D.O., Hisua,



Nawada, Niru Devi (petitioner no. 1) lost her right to withdraw the money from the bank. Even after Niru Devi (petitioner no. 1) in connivance with her husband Gaya Paswan (petitioner no. 2) by putting forged signature of Ajay Kumar withdrew the money from the bank in which the bank officers of Hisua Branch and Govindpur Branch were involved. It is alleged that earlier on 05.11.2020, Rs. 4,03,3000/- through Cheque No. 582592 in the name of Shankar Paswan was presented before the Bank for withdrawal after putting forged signature of Niru Devi (petitioner no. 1) and Ajay Kumar but the said amount was not withdrawn to Niru Devi (petitioner no. 1) due to query from the Bank to Ajay Kumar. It is further alleged that a legal notice was sent on 13.11.2020 and a memorandum notice was also sent on 18.11.2020 to the P.N.B., Hisua Branch and Govindpur Branch and its higher bank officers but no action was taken.

5. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. It is submitted that this matter relates to civil nature. The petitioners have been



made accused in the present case on the instigation of the Mukhiya Ramanuj Prasad. The said Mukhiya Ramanuj Prasad forcibly got signature of Niru Devi (petitioner no. 1) on a plain paper and withdrew Rs. 18,00,000/- fraudulently and for this, she gave information to the Collector, Nawada, on 14.06.2018 and 18.11.2019 but no action was taken. It is further submitted that lastly, Niru Devi (petitioner no. 1) lodged Hisua P.S. Case No. 97 of 2019 in which cognizance has been taken against the Mukhiya and other accused persons under SC/ST Act. It is further submitted that the petitioners were pressurized to comprise the case and on refusal the present false case has been lodged against the petitioners. They never misappropriated any money. The petitioners have clean antecedent as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State and learned counsel for the informant have opposed the prayer for anticipatory bail of the petitioners by submitting that the petitioner no. 1 under conspiracy with her husband Gaya Paswan (petitioner no. 2) alongwith bank officials withdrew fraudulently Rs. 99,000/- from the P.N.B., Hisua Branch, Nawada on



19.03.2020 and Rs. 94,000/- from the P.N.B., Govindpur Branch, Nawada on 06.11.2020 through two cheques after putting forged signature and the said government money was dishonestly misappropriated by the petitioner No.1 (Niru Devi) under conspiracy with her husband Gaya Paswan (petitioner no. 2) and others.

7. Considering the aforesaid facts and circumstances of the case as well as the gravity of offence and the specific allegation of withdrawal of the government money is against the petitioner no. 1, I am of the view that no case for grant of anticipatory bail of petitioner no. 1 is made out. The petition of petitioner no. 1 stands rejected and the petitioner no. 1 is directed to surrender before the learned court below within a period of eight weeks from the date of receipt/production of a copy of this order and the learned court below will consider the prayer for regular bail of the petitioner no. 1 without being prejudiced of the order of this Court in connection with Hisua P.S. Case No. 210 of 2021, pending in the court of learned C.J.M., Nawada.

8. Further, considering the fact that there is no specific allegation of withdrawal of money against the



petitioner no. 2, let the petitioner no. 2 (except petitioner no. 1), in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Nawada, in connection with Hisua P.S.Case No. 210 of 2021, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

9. The application stands allowed only against the petitioner no. 2 (Gaya Paswan).

(Chandra Prakash Singh, J)

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