

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70415 of 2023

Arising Out of PS. Case No.-221 Year-2007 Thana- PURNEA SADAR District- Purnia

MITHLESH BHARTI @ MITHLESH KUMAR BHARTI Son of Mokindra Prasad Bharti R/o House No. 100, Ambedkar More FCI Road Ketari, Gaya, P.S. - Chandauti, dist. - Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachindra Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Purnea Sadar P.S. Case No. 221 of 2007 dated 17.06.2007, instituted for the offence punishable under Sections 420, 467, 468 and 120(B) of the Indian Penal Code.

3. The prosecution case, in short, is that the informant has alleged that on 07.12.2006 he came to know after seeing his bank statement that on 13.11.2006 money was withdrawn from his account at Allahabad Bank, Belwa Gulabbagh Branch by forging signature through Cheque No. 590924. The Branch Manager was verbally informed about the incident on the same day. The informant investigated the matter at his own level and



found that the person namely Gulab Sethiya, who used to work as Accountant at informant's office stole the pages of the cheque book by making a duplicate key of *Almirah* kept in his office. The informant has further alleged that in connivance of the bank's employees, by forging the signature, the money was withdrawn from his bank account.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that petitioner at the time of the said occurrence was posted as Cheque Passing Officer at Allahabad Bank, Belwa Gulabbagh. It is submitted that after completion of investigation, police has submitted charge-sheet against one Gulab Sethiya and the petitioner and another co-accused was not sent up for trial. Only after taking cognizance against Gulab Sethiya, the informant filed protest petition upon which summons were issued against the petitioner. It is submitted that the said co-accused Gulab Sethiya has already accepted his guilt before the Branch Manager in presence of the informant. It is submitted that the aforesaid cheque was encashed on 13.11.2006 whereas informant filed the complaint on 07.12.2006. There is no material against the petitioner regarding his involvement in this case. It is submitted that the cheque book and cheques



signed/unsigned were in the possession of the said Gulab Sethiya, who was the employee of the informant. Neither the petitioner nor any staff/employee of the Bank has any concern with the internal matter of any firm/agency. The Bank is duty bound to honour the duly signed cheque after following the proper procedure. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner in connection with Purnea Sadar P.S. Case No. 221 of 2007, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea, subject to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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