**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**CRIMINAL MISCELLANEOUS No.18787 of 2024**

Arising Out of PS. Case No.-54 Year-2023 Thana- GRIYAK District- Nalanda

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Saurav Suman @ Suman Saurav, Son of Sunil Kumar, Resident of Village - Vajitpur, P.O. - Bharthu, P.S. - Ghoshi, District – Jehanabad.

... ... Petitioner

Versus

The State of Bihar

... ... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Ramakant Sharma, Senior Advocate and Mr. Rakesh Kumar Sharma, Advocate

For the Opposite Party : Mr. Dr. Mrityunjaya Kr.Gautam, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH**

ORAL ORDER

4 04-07-2024 A supplementary affidavit has been filed on behalf of the petitioner. Let it be kept on the record.

2. Heard learned senior counsel for the petitioner and learned A.P.P. for the State.

3. The petitioner seeks bail in connection with Giriyak (Katrisarai) P.S. Case No. 54 of 2023 dated 31.01.2023 registered for the offences punishable under Sections 406, 420, 419 and 409 of the I.P.C.

4. As per the prosecution case, the informant being the Chairman of '*Jagruk Jivika Mahila Sankul Sangh',* Katrisarai, Nalanda, has stated in her written statement that the petitioner being the Zonal Co-ordinator of the said *Sankul Sangh*, Katrisarai, Nalanda,, EMP. ID: 209682 withdrew the money

illegally from the A/C No. 2351000100194325, P.N.B., Katrisarai, which are as follows:-

I. The petitioner has informed the said *Sankul Sangh* that the registration of the said *Sankul Sangh* has been done for which other bank account has to be opened in the B.O.I for which the petitioner took away the informant, Sunita Devi, Secretary and Sarita Devi, Treasurer to the B.O.I., Maira-Barith, Katrisarai.

II. The petitioner took Rs. 1,000/- in cash in the year 2022 and on the cheque no. 236119, signature has been done through the petitioner for Rs. 5,00,000/-. Thereafter, the petitioner has informed that the said cheque has been cancelled for that other cheque has to be given. Thereafter, on cheque no. 236120, signature has been done through the petitioner for Rs. 5,00,000/-. It is further alleged that on 23.01.2023, after investigation, it was found that Rs. 5,00,000/-, written on cheque no. 236120 dated 31.08.2022 has been transferred in the A/C No. 469910110003391, IFSC Code-BKID0004699 of one Rishu Kumar and Rs. 5,00,000/- written on cheque no. 236119 dated 16.11.2022 has been transferred in the A/C No. 919010085241280, IFSC Code-UTIB0001784 of the petitioner. It is further alleged that on 20.01.2023, Rs. 7,00,000/- has been transferred in the A/C No. 919010085241280 IFSC Code-UTIB0001784 of the petitioner through cheque no. 236142. It is further alleged that on 19.01.2023, the petitioner came in the office of the *Sankul Sangh* and the cheque has to be given in the office of Block Co-operative for the purpose of registration and signature has been done through the petitioner on cheque no. 236142 and he also took photo of the said cheque on 19.01.2023. On 20.01.2023, he again came in the office of the *Sankul Sangh* and illegally took cheque and went away. When an inquiry was made, he said that he did not bring the cheque and the cheque will be in the *Sankul Sangh*. They searched the said cheque several times, but it could not be found. It is further alleged that on 23.01.2023, the petitioner returned the cheque book by saying that the cheque book has fallen in the bank in which cheque nos. 236142, 236143 and 236144 were not available. When the pass book was updated, it was found that the petitioner has transferred Rs. 7,00,000/- through cheque no. 236142 in A/C No. 919010085241280, IFSC Code-UTIB0001784 on 20.01.2023 and it was also found that on 31.08.2022 and 16.11.2022, the petitioner has illegally transferred money, as stated above. The petitioner was working in the *Sankul Sangh* as an Anchor Person and they have faith on him but in initial investigation, it was found that the petitioner illegally took Rs. 17,01,1000/- (Rupees Seventeen Lacs One Thousand Only) from the *Sankul Sangh*.

5. Learned senior counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner being the Incharge of the *Sankul Sangh*, functioning in his area and has falsely been implicated in the present case by the informant in connivance with other office bearer and become escape-goat of the circumstances. It is further submitted that admittedly signatory of the cheques were the Secretary, Treasurer and the Chairman of the said *Sankul Sangh* and the petitioner had no role to play except to supervise the said *Sankul Sangh*, however, on the request of the office bearer of *Sankul Sangh*, he got the cheque issued by the Treasurer, Secretary and the Chairman of the *Sankul Sangh* encashed by transferring the amount in his account and returned the same to the signatory and after receipt of money, they issued receipt. Learned counsel has filed a supplementary affidavit on behalf of the petitioner and has submitted that the petitioner has voluntarily agreed to pay a total amount of Rs. 17,01,000/- (Rupees Seventeen Lacs and One Thousand). Out of which, Rs. 2,00,000/- (Rupees Two Lacs)

will be paid at the time of furnishing bail bond and the rest amount of Rs. 15,01,000/- (Rupees Fifteen Lacs and One Thousand) will be paid within one year in equal installment. It is further submitted that the petitioner has one criminal antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 21.12.2023.

6. Learned A.P.P. for the State has supported the submission as stated above and the statement made in paragraph nos. 2 and 3 of the supplementary affidavit filed by learned counsel for the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as in view of the terms and conditions as mentioned in paragraph nos. 2 and 3 of the supplementary affidavit filed on behalf of the petitioner, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Biharsharif (Nalanda) in connection with Giriyak (Katrisarai) P.S. Case No. 54 of 2023 with further conditions:-

(I) Rs. 2,00,000/- (Rupees Two Lacs) shall be paid to the Chairman of '*Jagruk Jivika Mahila Sankul Sangh'*, through Demand

Draft within a period of two weeks after furnishing bail bonds by the petitioner.

(II) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of his bail bonds.

(III). The petitioner is directed to pay all settled amount to the Chairman of '*Jagruk Jivika Mahila Sankul Sangh',* within the stipulated period through Demand Draft, failing which, the court below will be at liberty to cancel the bail bonds of the petitioner.

(IV) The informant is directed to take step for the disposal of this case at the earliest.

8. The application stands allowed.

**(Chandra Prakash Singh, J)**

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