

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32025 of 2024

Arising Out of PS. Case No.-263 Year-2023 Thana- MEHANDIA District- Jehanabad

Rupa Kumari D/o Ramanand Paswan Resident of Village- Jaibigha, P.S.-
Mehandiya, District- Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Anish Chandra, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 18-09-2024 Heard Mr. Gajendra Kumar Singh, learned counsel
appearing on behalf of the petitioner and Mr. Anish Chandra,
learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Mehandia P.S. Case No. 263 of 2023 registered for the
offence punishable under Sections 406 and 420 of the Indian
Penal Code.

3. As per the allegation made in the F.I.R., the
petitioner who was member of the Jeevika Samuh had
fraudulently withdrawn money from the account of the
informant after obtaining signature of the informant on three
cheques by committing forgery. The insurance amount of Rs.2
lacs was to be paid to the informant on the ground of death of
his wife who was also affiliated with the Jeevika Samuh.

4. Learned counsel appearing on behalf of the



petitioner submitted that in course of investigation, the Investigating Officer has taken statement of the witnesses, namely, Narayan Sharma, Ravindra Ram and Mamta Devi under Section 161 Cr.P.C. who have admitted that the cheques of different dates under the signature of the informant were given to them by the petitioner. Learned counsel submitted that even accepting the allegation against the petitioner that she has fraudulently obtained blank cheque from the informant, the petitioner is not the beneficiary, as admittedly the three witnesses have stated before the investigating officer that the amount was transferred in their account. Learned counsel submits that since the matter mainly relates to certain amount of money to be returned to the informant and the present F.I.R. has been lodged only to pressurize the petitioner to return the amount of Rs. 1, 47,000/- and for the same, in light of the judgment rendered in the case of **Bimla Tiwari vs. State of Bihar & Ors.** [SLP (Crl.) Nos. 834-835 of 2023], the informant has remedy before the civil court having jurisdiction for recovery of the said amount by filing money suit. On these ground, learned counsel submitted that the petitioner is being faced with vexatious prosecution being innocent having not committed forgery with the informant, and as such, seeks to be



released on pre-arrest bail.

5. *Per contra*, learned APP for the State submitted that the witnesses have alleged against the petitioner that though the cheques have been issued under the signature of the informant who had authorized the petitioner to use the same for any purpose in lieu of the fact that she has facilitated in getting the insurance amount of rupees two lacs after the death of the wife of the informant who was member of the Jeevika Samuh. Learned counsel submitted that the petitioner has not only committed forgery with the informant rather the three witnesses have jointly alleged against the petitioner that she after obtaining signature of the informant had tendered the cheques in their favour having taken loan from the witness Narayan Sharma, the complicity of the petitioner cannot be denied.

6. Having considered the rival submissions made on behalf of the parties, as well as, the fact that the allegation against the petitioner is supported by three witnesses who have alleged that the petitioner is the one who after obtaining signature of the informant has committed forgery not only with the informant also with other three persons, I am not inclined to enlarge the petitioner on pre-arrest bail. The prayer for pre-arrest bail of the petitioner is rejected.



7. The bail application stands disposed of.

(Purnendu Singh, J)

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