

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64676 of 2023

Arising Out of PS. Case No.-45 Year-2023 Thana- TEYAR District- Bhojpur

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1. PUJA DEVI WIFE OF RAHUL KUMAR RESIDENT OF VILLAGE- BIKRAMPUR, PS- TIYER, DISTRICT- BHOJPUR
 2. RAHUL KUMAR @ RAHUL SINGH @ RAHUL KUMAR SINGH SON OF SAT KUARSINGH RESIDENT OF VILLAGE- BIKRAMPUR, PS- TIYER, DISTRICT- BHOJPUR

... .. Petitioner/s

Versus

1. The State of Bihar
2. Punjab National Bank, Bihiya, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajani Ranjan Pd. Singh, Advocate
For the Opposite Party/s	:	Mr.Murli Dhar, APP
For the Bank	:	Mr. Mritunjay Kumar, Advocate
		Mr. Vibhuti Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 29-02-2024 Heard the parties.

2. The petitioners are apprehending arrest in connection with Tiyer P.S. Case No. 45 of 2023 instituted under Section 420, 419, 380, 451, 467, 468/34 of the Indian Penal Code lodged on 15.6.2023 by the informant, Nandji Singh.

3. As per the prosecution story, the allegation is that the petitioner no.2 who runs a 'Kirana Shop' used to purchase article from the informant and was in visiting terms. Taking this opportunity, he took some cheques duly signed by the informant and withdrew Rs. 1,25,000/-, 95,000/- and 40,000/- by different



cheques. Upon message from the Bank, went and after enquiry as also CCTV footage of the Bank, the role of the petitioners came and accordingly, the FIR.

4. Learned counsel for the petitioners submit that in a business transaction between the parties, a criminal colour has been given. Though, the informant withdrew the said amount and he himself had handed over the cheques, now he has lodged the FIR. As such, irrespective of the outcome of the present case and/or accepting the allegation, the petitioners intend to pay Rs. 2,60,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of the concerned Court to be handed over to the informant after checking the credential which he will be entitled to realize in accordance with law.

5. Learned counsel appearing for the Punjab National Bank submits that he had no role to play in the matter, enquiry is made from the customer only when the transaction is over Rs. 2,00,000/- and since it was meager amount and cheques were regularly encashed by these petitioners, it was cleared.

6. This Court does not see any reason why the Punjab National Bank had to file counter affidavit.

7. Learned APP opposes the prayer stating that he has



misused the cheques after stealing it from the house of the informant.

8. In view of the fair submission made by the learned counsel for the petitioners, one of the petitioner is a lady, both do not have criminal antecedents, this Court is inclined to extend them privilege of anticipatory bail subject to payment of Rs.2,60,000/- issued in the name of the informant through Demand Draft of local SBI to be submitted to the trial Court and handed over to the informant after checking his credentials.

9. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Tiyer P.S. Case No. 45 of 2023 to the satisfaction of learned J.M.-1st Class, Bhojpur at Ara subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

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

(ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners 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;

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

(Rajiv Roy, J)

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