IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78156 of 2024

Arising Out of PS. Case No.-316 Year-2016 Thana- ARA NAGAR District- Bhojpur

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Jyoti Kumari Daughter of Suresh Sah R/o Village- Singhiya Khurd, P.S. - Samastipur Muffasil, District - Samastipur, Bihar

... ... Petitioner/s

Versus

1. The State of Bihar
2. The Chief Manager, Bank of India Ara Branch, Ara

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Vinay Kumar Mishra, Adv.
For the State	:	Mr. Ram Priya Sharan Singh, APP.
For the Bank of India	:	Mr. Ravish Mishra, Adv.

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL ORDER

5 09-05-2025 Heard learned counsel for the petitioner, learned APP for the State and learned counsel appearing for the Bank of India.

2. The petitioner apprehends her arrest in a case registered for the offences punishable under Section 420 of the Indian Penal Code.

3. The allegation in the FIR as per the informant, who is the Chief Manager, Bank of India, Ara Branch, Ara is that they received a cheque bearing no. 00912 of an amount of Rs. 3,98,420/- which was issued in favour of the petitioner, the account holder of Canara Bank, Samastipur Branch, through clearing from Canara Bank, Ara. The said cheque was issued

on behalf of the DAV School, Patna and the cheque was duly signed by the authorized signatory of the drawer account holder and was presented for payment in due course of business. Upon presenting the cheque, the same was also cleared and the money came into the account of the petitioner on 19.03.2016. Subsequently, it was informed to the bank that the said cheque was not issued by the DAV Public School Patna and the same is forged and fabricated.

4. Learned counsel for the petitioner submits that she cannot be said to be involved in the creation of any forged and fabricated cheque and as a matter of fact, the same was issued in her name and was deposited in her account which was opened by some unscrupulous person on forged ID and she has no knowledge about the said transaction. It is next submitted that the Bank failed in its duty to verify the facts before clearing the cheque. The FIR has also been lodged after substantial delay on 03.06.2016, whereas the date of occurrence is 19.03.2016, only as a defence mechanism to cover their own fault. Moreover, the cheque issuing authority has not lodged any case/complaint against the petitioner for any act of fraud. Taking the allegation on the face value, it would appear that the petitioner, at best, is merely a

beneficiary in whose account the cheque has been deposited and the money has been credited. Beyond the same, the petitioner cannot be imputed other allegations of fraud, cheating and forgery. In any view of the matter, the case is based upon documents and civil remedies are available to the informant.

5. Learned APP for the State as well as learned counsel for the Bank of India opposes the prayer for bail

6. Considering the facts and circumstances of the case and particularly that petitioner is a lady and she has no criminal antecedent, I am inclined to grant the privilege of anticipatory bail to the petitioner. Let the petitioner, above named, in the event of her arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Ara Town P.S. Case No. 316 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

7. However, it is expected that the petitioner would cooperate with the investigating agency and the bank in the

process of enquiry and investigation to bring to book the real culprits.

(Soni Shrivastava, J)

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