

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.72580 of 2021**

Arising Out of PS. Case No.-625 Year-2020 Thana- CHAPRA TOWN District- Saran

Ganesh Vitthal Gawade, Son of Late Vitthal Gawade, Resident of Village -  
Sadhana, Society, Professor Chowk, Savedi, P.S.- Topkhana, Distt.-  
Ahmednagar, Maharashtra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s	:	Mr. N.K Agrawal, Sr. Advocate
	:	Mrs. Preety Kumar, Advocate
	:	Mr. Kumar Rajdeep, Advocate
	:	Mr. Arvind Kumar, Advocate
For the State	:	Mr.Satya Nand Shukla, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

4      06-12-2022                      Heard learned counsel for the petitioner and learned  
APP for the State.

Let the defect (s), if any, as pointed out by the office,  
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in  
connection with Chapra Town P.S. Case No. 625 of 2020  
registered for the offences punishable under Sections 419, 420,  
467, 468 and 120(B) of the Indian Penal Code and Sections  
66(c) and 66(d) of the Information & Technology Act.

As per prosecution case, rupees 89 lacs were  
fraudulently withdrawn from the account of District Planning  
Officer Chapra, Saran through two post-dated cheques. This



amount was transferred into the account of co-accused Sandip Mangilal Kothari. Allegation against the petitioner is that the accused transferred into his account Rs. 50 lacs out of the aforesaid amount of Rs. 89 lacs.

Learned senior counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was arrested in Topkhana P.S. Case I-7646 of 2021 under Section 420, 467, 468, 471 and 34 of the I.P.C. and subsequently he was made accused in this case as well. In the said case the petitioner has been granted bail by learned Additional District and Sessions Judge, Ahmednagar, Maharashtra. Learned senior counsel further submits that the petitioner was having business relationship with the co-accused and Rs. 50 lacs was transferred into the account of the petitioner, finding that he has been paid Rs. 20 lacs in excess he returned the amount of Rs. 20 lacs immediately to the account of co-accused Sandeep Kothari on 05.11.2020. Learned senior counsel further submits that while granting bail to this petitioner, the learned Additional Sessions Judge, Ahmednagar, Maharashtra has put forth a condition that the petitioner would deposit Rs. 10 lacs at the time of grant of bail. Further in compliance of order dated 08.06.2022 of a Coordinate Bench in



this case the petitioner has further deposited Rs. 20 lacs in the court of Learned Chief Judicial Magistrate, Saran at Chapra and an affidavit has been filed regarding compliance of the said order. In this way the petitioner has returned Rs. 50 lacs which he received from co-accused Sandip Mangilal Kothari. Learned counsel further submits that the petitioner is in custody since 24.12.2020 and charge sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioner is a part of a gang which has been indulging in fraudulent withdrawal of money.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner on his own deposited the fraudulently withdrawn amount which has been paid into his account and further considering the period of custody of this petitioner along with the submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Chapra Town P.S. Case No. 625 of 2020, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:



(i) One of the bailors will be close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

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