

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44438 of 2016

Arising Out of PS.Case No. -782 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Anupam Kumar Jha @ Anupam Kumar son of Late Chandrama Ram
2. Rajesh Kumar Maler @ Rajesh Malakar son co Janki Malkar
3. Bishwajit Kumar @ Bishwajit Sarkar son of Sri Sushil Sarkar
4. Rajesh Kumar Yadav @ Rajesh Kumar son of Sri Radhe Lal Gupta
..... Petitioner/s

Versus

State of Bihar & Anr

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dayanand Singh

For the Opposite Party/s : Mr. Sri Rajeev Nayan

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 15-12-2016 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with
Complaint Case No. 782 © of 2013 registered for the offences
punishable under Section 420 of the Indian Penal Code.

Complainant's wife entered into a scheme of loan and
deposited 35 installments to the concerned Bank but before
maturity of the aforesaid loan, she died and, after that,
complainant being husband of the original account holder claimed
the aforesaid amount from the concerned Bank but, allegedly,
petitioners, working in various capacities in the concerned Bank,
in connivance with other co-accused, embezzled the aforesaid
amount.

Submission on behalf of the petitioners is that according
to the policy of the concerned bank, if any borrower dies during



tenure of loan, the outstanding loan shall be liable to be waived off and there was no scheme of the concerned bank to transfer the loan amount in favour of his/ her nominee. It is further submitted that the learned court below having found prima facie case only for the offence punishable under section 420 of the Indian Penal Code ordered to issue summon against the petitioners but, subsequently, without getting any service report of the aforesaid summon, the warrant of arrest was issued against the petitioners and that is the reason, the petitioners are apprehending their arrest.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioners, in the event of their arrest/surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st class, Barh, Patna in Complaint Case no. 782-C of 2013, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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