

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25841 of 2017

Arising Out of PS.Case No. -52 Year- 2017 Thana -KUTUMBA District- AURANGABAD

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1. Yogendra Prasad S/o Deo Nandan Mehta, Resident of Village-Wazitpur,
P.S.-Kutumba, District-Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Abhay Kumar Roy

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 14-07-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Kutumba P.S.
Case No. 52/2017 for offences punishable under Sections 420,
467, 468, 471 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that she and her husband and family are residing at Bangalore and
doing job there. They had opened account in the Punjab National
Bank at Kutumba Branch and on account of some scheme a loan
of Rs. 50,000/- was given to her. She had deposited Rs. 45,000/-
from Bangalore in her PNB account, but when she came to her
village and sought to withdraw the said amount, she was informed



that the amount has been adjusted towards the loan taken. She submitted that no loan had been given and the husband of the informant Birbal Bhuiyan had filled a form for loan in which the petitioner had taken active part and he must have withdrawn the loan amount of Rs. 50,000/-.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been implicated only on the basis of his own confessional statement before the police, which has no evidentiary value in the eye of law. He submits that he was neither the Branch Manager nor bank employee and the employee of the PNB, who is alleged to have withdrawn the loan amount, has not yet been arrested and the petitioner, who confessed his guilt of taking a small amount, is languishing in judicial custody since 18.04.2017.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner and cashier of the Bank, Bhola Jee and other officials of the Bank have fraudulently withdrawn the loan amount granted to the informant's husband under a scheme.

Be that as it may, let petitioner, above named, be enlarged 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 Addl. Chief Judicial Magistrate-VII, Aurangabad, in connection with Kutumba P.S. Case No. 52/2017, subject to the condition that one of the bailors would be a close relative of the petitioner, who would have sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner and that the petitioner will appear before the learned court below on each and every date during trial and failure to appear on three consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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