

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48048 of 2015

Arising Out of PS.Case No. -502 Year- 2015 Thana -BANKA District- BANKA

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GANGADHAR KAPRI Son of Sri Awadh Kishore Kapri, resident of
village - Pathara, P.S. - Barahat, District - Banka.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Branch Manager, Barahat, Bhagalpur Central Co-operative Bank.
3. The Bhagalpur Central Co-operative Bank Ltd. Bhagalpur through
Branch Manager, Barahat , Jageshwar Mandal Bhawan, Red Cross Road ,
Adampur, Bhagalpur -812001.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand
For the Opposite Party/s : Mr. A.A Khan (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

6 09-01-2017 Heard learned counsel for the petitioner, learned
counsel for the Bhagalpur Central Co-operative Bank Ltd. and
learned counsel appearing on behalf of the State.

The petitioner apprehends his arrest in connection with
Banka (Barahat) P.S. Case No. 502 of 2015 for the offences
registered under Sections 406, 420, 409/34 of the Indian Penal
Code.

Learned counsel for the petitioner submits that as per
the earlier interim order, the petitioner has already deposited 20
per cent of the alleged defalcated amount and he is willing to sit
across the table with the Central Co-operative Bank, Bhagalpur
for returning any amount which may still be due from him. It is



further submitted that BSFC did not take the paddy within the time frame fixed, as a result of which certain quantity of paddy became rotten and were not fit for sale. As such, the liability cannot be fixed on the petitioner alone.

However, learned counsel for the Co-operative Bank submits that the petitioner may be directed to pay further amount so that the bank may not be prejudiced in any manner.

After considering all the facts and circumstances of the case and taking into consideration the fact that the petitioner is willing to co-operate and sit across the table with the Co-operative Bank and has also deposited the 20 per cent of the alleged defalcated amount as directed earlier by this Court, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Banka in connection with Banka (Barahat) P.S. Case No. 502 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that the petitioner shall co-operate with the Central Co-operative Bank so that the interest of the bank is



not prejudiced in any manner.

(Anjana Mishra, J)

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