

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41657 of 2017

Arising Out of PS.Case No. -330 Year- 2016 Thana -SITAMARHI District- SITAMARHI

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Priya Karn, Daughter of Shri Permanand Lal Karn, permanent resident of Mohalla- Gobarsahi, Post Office- Khabra, Police Station- Sadar Muzaffarpur, District- Muzaffarpur, Posted as Probationary Officer, Syndicate Bank, Sitamarhi.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajendra Lal Das, Advocate

For the Opposite Party/s : Mr. Ashok Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 20-09-2017 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks pre-arrest bail in connection with Sitamarhi P.S. Case No. 330 of 2016 registered under Sections 379, 420, 477 and 120-B read with 34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner that the institution of the present FIR is nothing but an abuse of the process of the court. He has submitted that in



respect of the offence alleged prior to the institution of the present case, Sitamarhi (Mehsaal O.P.) P.S. Case No.329 of 2016 was already instituted against the petitioner who is a Probation Officer in Syndicate Bank under Sections 420, 467, 468, 471, 354 and 120-B/34 of the Indian Penal Code on 24.05.2016. He has submitted that in the said case, the petitioner has already been granted pre-arrest bail vide order dated 28.02.2017 passed in ABP No.2253 of 2016 by the learned Additional District & Sessions Judge-2nd, Sitamarhi. He has contended that by making the same and similar allegation, subsequently, the Senior Branch Manager of the Sitamarhi Syndicate Bank Branch has instituted the present case. He has contended that the petitioner, a lady, is in service of the bank and has got roots in the society and is not likely to abscond or tamper with the evidence if privilege of pre-arrest bail is granted to her.

On the other hand, learned counsel for the State has submitted that though the allegations may be identical, the first case was instituted by the person cheated and the second case has been instituted by the Senior Branch Manager of the Bank. He contended that in that view of the matter, it cannot be said that the institution of the second case is an abuse of the process



of the court. He contended that the offence is serious in nature and the petitioner does not deserve grant of pre-arrest bail.

I have heard learned counsel for the parties and perused the record.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender in the court below within four weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi (Mehsaul O.P.) P.S. Case No. 330 of 2016 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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