

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.51384 of 2017**

Arising Out of PS.Case No. -176 Year- 2017 Thana -JOKIHAT District- ARRARIA

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1. Hari Prasad Pandit @ Hari Pandit S/o Narayan Pandit , R/o Village-  
Chirah, P.S.- Mahalgaon , District- Ararai.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Anil Prasad Singh

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

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**

**ORAL ORDER**

4 11-01-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Jokihat P.S. Case No.  
176 of 2017 instituted for the offence under Sections-406, 49, 468, 420  
of the Indian Penal Code.

It is alleged by the informant in the written report that Zero  
Mass and Saving Support Foundation introduced themselves as  
Business Correspondent of State Bank of India. They have been  
opening and managing their branches throughout India since 07-11-  
2006. The object is Financial Induction i.e. bringing unbanked and poor  
people into the framework of banking rendering them all sorts of  
banking services within certain limitations at the Customer Service  
Points of State Bank of India. This organization is meant for benefit at  
Customer Service Point in villages allotted by the CSP by state level  
banking committee keeping in consideration of the Central Government  
Policy.



It is alleged that the petitioner was operating Customer Service Centre in village-Kursail Balua, Block-Jokihat having CSP ID. He has misappropriated the amount of government fund by misusing their ID and fingerprint captured in biometric system without informing the real persons. Though the accounts were opened in name of the real persons, the fingers captured to facilitate transactions in the accounts were those of the CSP operator Hari Prasad Pandit. The real persons even did not know that their accounts were opened by using their I.D. The Government Funds credited to these accounts were withdrawn by the CSP operator, Hari Prasad Pandit (petitioner) using his fingers. The CSP is inactive and closed from 24-04-2017.

Counsel for the petitioner has submitted that only vague and general allegation has been levelled against the petitioner. There is no complaint by any person except one Uganlal who stated that an amount of Rs. 10,000/- which was sanctioned for construction of latrine was withdrawn on 19-03-2017 but the aforesaid complaint was investigated by R.K. Thakur and finally, the order was passed on 07-04-2017 and allegation made against the petitioner was found untrue.

The aforesaid inquiry report has been enclosed as Annexure-2.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on



bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Jokihat P.S. Case No. 176 of 2017 to the satisfaction of learned Chief Judicial Magistrate, Araria subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable cause, will liable to cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

**(Sanjay Priya, J)**

A.K.V./-

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