

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33231 of 2018

Arising Out of PS. Case No.-341 Year-2017 Thana- PATORI District- Samastipur

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1. Udit Ram
 2. Jagdish Ram Both sons of Late Bhaggal Ram Resident of Village - Jagdishpur, Police Station - Jandaha, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jainendra Kumar

For the Opposite Party/s : Mr. Sri Rajkishore Singh

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 19-07-2018 Heard the learned counsel for the petitioners and the State.

The petitioners seek bail in anticipation of their arrest in connection with Patory P.S. Case No. 341 of 2017 dated 26.09.2017 instituted for the offences under Sections 341, 323, 504, 506, 354, 406, 420, 467, 468 and 120B of the Indian Penal Code.

The allegation in the FIR is that the loan amount which was disbursed in favour of the complainant and others was maliciously and fraudulently withdrawn from their accounts and misappropriated.

Learned counsel for the petitioners has submitted that the petitioners are not named in the FIR and their names have transpired only during the course of investigation. The impugned order reveals that when



money did not come in the hands of the complainant and other beneficiaries, they made an enquiry in the bank where it was learnt that the cheque amount of loan was issued in the name of the petitioners which they misappropriated. The *modus operandi* of misappropriation was to have an account opened in the name of the beneficiaries. Then arrangement were made for grant of loan for purchase of cattle and implements. The aforesaid loan amount was withdrawn and thereafter the money was sent through the RTGS mechanism in the account of the accused persons. One Ganesh Ram who is said to have facilitated to opening of accounts of the victims and the informant is non-else but the nephew of the petitioners, whose anticipatory bail has been rejected by a Bench of this Court on 30.03.2018 passed in connection with Cr. Misc. No. 11290 of 2018.

Considering the facts aforesaid, I am not inclined to grant anticipatory bail to the above named petitioners.

Accordingly, the same is rejected.

However, if the petitioners surrender before the court below and seek bail, the court below shall consider the facts of the case on its own merits with an independent mind and will not be prejudiced with the fact that the present petition of anticipatory bail has not



been entertained by this Court.

(Ashutosh Kumar, J)

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