

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18533 of 2018

Arising Out of PS.Case No. -155 Year- 2017 Thana -MATIHANI District- BEGUSARAI

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1. Raushan Raj @ Roushan Raj S/o Sri Girdhari Ambastha, R/o Village-
Kali Asthan, ward No. 39, P.S.- Town, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Dharmendra Kumar S/o Late Shailendra Prasad Singh, Business
Correspondent of State Bank of India, Distt.- Coordinator, SAME. R/o
Badlapur, P.S.- Matiharni , Distt.- Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Narayan, Adv.
Mr. Daya Shankar Pd. Sinha, Adv.
For the State : Mr. Sri Kanhaiya Kishore, APP
For the State Bank of India : Mr. Satya Prakash Tripathy, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 06-04-2018 Heard learned counsel for the petitioner, learned

counsel for the State and learned counsel for the State Bank of

India, Begusarai.

The petitioner seeks pre-arrest bail in connection
with Matihani P.S.Case No. 155 of 2017 registered under Sections
406, 420, 120-B, 504, 506 and 34 of the Indian Penal Code.

The accusation against the petitioner in the instant
First Information Report is that he along with four other accused
has not deposited the money of customers and defalcated an
amount of Rs.10 lakhs of the customers of the State Bank of India.



The defence of the petitioner is that he has a copy of the bank deposit receipts of money from the customer making the allegation prima facie false. The further defence of the petitioner is that the Code mentioned in the fardbeyan through which defalcation is alleged does not belong to the petitioner as he has a different Code, i.e. Code No. 388008651. In addition to the above, the petitioner has pleaded that co-accused Shiv Shankar Mishra and Ravi Shankar Mishra, whose case stands on identical footing to that of the petitioner, have already been granted bail vide orders dated 13.02.2018 and 19.02.2018 passed in Cr.Misc. No. 8627 of 2018 and 7922 of 2018 respectively by different Benches of this Court.

Learned counsel appearing for the Bank vehemently opposed the application for grant of pre-arrest bail of the petitioner. However, he concedes that similarly circumstanced co-accused have already been granted pre-arrest bail by this Court.

Having regard to the submissions made above, in the event of arrest or surrender before 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 Judicial Magistrate 1st Class, Begusarai in connection with



Matihani P.S.Case No. 155 of 2017, subject to the conditions as
laid down under Section 438(2) of the Code of Criminal
Procedure.

(Ashwani Kumar Singh, J)

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