

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.80454 of 2018

Arising Out of PS. Case No.-399 Year-2018 Thana- KOTWALI District-
Patna

=====

1. Gopal Thakur, son of Doman Thakur, Proprietor of M/s S.K. Enterprises

2. Nirmala Kumari, wife of Gopal Thakur, Proprietor of M/s S.R. Enterprises

Both are resident of Village/Moh.- 1st Floor, Krishna Market Karbighaiya near Bhagwat Hotel, P.S. Jakkanpur, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar

2. Sri Rajesh Prasad Srivastava The Chief Manager (Observance and Risk Management) State Bank of India, Region- II, Patna Central, Code No. (13723) Administrative Office, J.C. Road, Patna, District Patna – 800 001.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Dr. Ajeet Kumar, Adv

For the Opposite Party/s : Mr. Abhay Kumar No.1

For the Bank : Mr. Santosh Kumar Singh, Adv

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 22-01-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 406, 409, 418, 419, 420, 120(B) IPC registered in connection with Kotwali P.S. Case No. 399 of 2018.

3. It is submitted that the petitioners have been falsely implicated and in any event they undertake to deposit the amount of loss of Rs. 86,13,222.91 said to have been caused to the Bank before the learned Court below in six equal fortnightly instalments, first of which shall be deposited within a week from today. The petitioners claim clean antecedents.

4. Learned counsel for the bank appearing *suo motu* submits that it is a case of out and out fraud and inasmuch as excess withdrawals have been made out of current account without any credit facility.

5. Be that as it may, having regard to the entirety of the facts and



circumstances, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned CJM, Patna, in connection with Kotwali P.S. Case No. 399 of 2018 subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioners.
- ii. That the petitioners shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioners shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioner no. 1 shall remain physically present and petitioner no. 2 shall be well represented in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.
- v. The petitioners shall deposit an amount of Rs. 86,13,222.91 in six equated fortnightly instalments commencing within a week from today before the learned Court below, which shall abide by the final result of the trial.

Chandran/-

(Vikash Jain, J)

U		T	
---	--	---	--

