

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40247 of 2019**

Arising Out of PS. Case No.-135 Year-2016 Thana- LADANIA District-
Madhubani

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KUSHESHWAR SINGH Son of Kapileshwar Singh Resident of Village-Sukki,
P.S.-Khajauli, District-Madhubani.

... .. Petitioner

Versus

1. The State of Bihar
2. The Branch Manager, Punjab National Bank, Ladania Branch, District-
Madhubani. Madhubani.

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr. Murari Narain Choudhary Mr. Mohit Kr. Srivastava, Advocate.
For the State	:	APP
For the PNB	:	Mr. Kumar Priya Ranjan Mr. Pallav Mr. Mohit Kant Sahay, Advocates.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 28-08-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 409 and 420 of the Indian Penal Code
registered in connection with Ladaniya P.S. Case No. 135 of 2016,
G.R. No. 2251 of 2016.

3. It is submitted that the petitioner has been falsely
implicated merely because he happens to be the Branch Manager
of the concerned Branch of Punjab National Bank. It is submitted
that from the F.I.R. itself, it is clear that the entire allegation is



against the Head Cashier Sanjay Kumar who is said to have defalcated an amount aggregating to Rs. 55,33,901/- out of which he has returned only Rs. 2,30,000/-. It is submitted that the petitioner had no role to play in the occurrence and in any event other co-accused Branch Managers and other officials have been granted anticipatory bail as evident from the order dated 07.05.2019 passed in Cr. Misc. No. 29846 of 2019 (Annexure-2). The petitioner claims clean antecedents.

4. Learned APP assisted by learned counsel for the Punjab National Bank appears and has been heard. Learned counsel for the Bank has not shown the petitioner to be the beneficiary of the amount defalcated.

5. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner 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 Additional Chief Judicial Magistrate-IVth, Madhubani/Successor Court in connection with Ladania P.S. Case No. 135 of 2016, G.R. NO. 2251 of 2016, 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 petitioner.



(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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