

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 44233 of 2019

Arising Out of PS Case No.-12 Year-2018 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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Vishwanath Prasad @ Bishwa Nath Prasad, aged about 59 years, Male, Son of Late Sita Ram, Resident of Village - Deohara, P.S.- Goh, District - Aurangabad. Present Address of Posting- Recommending Officer of the Branch, B/o Mahrajganj, Madhya Bihar Gramin Bank, Aurangabad. (Bihar), District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Vigilance, Bihar, Patna.
2. The Economic Offence Unit, Bihar, Patna.
3. Sri Surendra Prasad Singh, age 58 years, Male, Regional Officer, Madhya Bihar Gramin Bank Region, Aurangabad, Near Mrignaini Hotel, Maharajganj Road, Aurangabad, P.S.- Aurangabad (T), District – Aurangabad.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Y. C. Verma, Sr. Advocate
For the EOU	:	Mr. V. N. P. Sinha, Sr. Advocate
		Ms. Soni Shrivastava, Advocate
For the MBG Bank	:	Mr. Mahesh Narayan Parvat and
		Mr. Sanjay Kumar Jha, Advocates
For the Vigilance	:	Mr. Sanjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 04-12-2019

Heard learned counsel for the petitioner; learned counsel for the Vigilance, learned counsel for the Economic Offences Unit and learned counsel for the Madhya Bihar Gramin Bank (hereinafter referred to as the 'Bank').

2. The petitioner seeks bail in connection with Economic Offences PS Case No. 012 of 2018 read with Special



Case No. 49 of 2018 dated 04.10.2018 instituted under Sections 409, 419, 420, 467, 471, 468, 472/120B of the Indian Penal Code and 13(2) read with 13(1)(a) of the Prevention of Corruption Act.

3. The allegation against the petitioner is that he was party to wrong and fake issuance of KCC loans. Initially, in the FIR, the loss suffered due to the petitioner was shown as Rs. 53,37,972.96/- but today, learned counsel for the opposite parties submitted that the same has been quantified as Rs. 26,25,000/-.

4. Learned counsel for the petitioner submitted that he cannot be blamed for the reason that he had made correct recommendation after field verification. However, learned counsel submitted that similarly situated co-accused have been granted bail by co-ordinate Benches of this Court upon them depositing about 50% of the alleged defalcation by them. In this connection, attention was drawn to Annexure-2, which is order dated 25.04.2019 with regard to Rajeshwar Singh (Cr. Misc. No. 23030 of 2019) in which the amount of embezzlement being Rs. 10 lakhs and odd, he was directed to deposit an amount of Rs. 5 lakhs, subject to the final outcome of the case. Similarly, in the case of Vijay Kumar Sinha @ Vijay Kumar Singh (Cr. Misc. No. 32163 of 2019) by order dated 16.05.2019, the Court had granted him bail upon depositing Rs. 7 lakhs. It was submitted that the petitioner is



in custody since 17.04.2019, whereas the aforesaid two persons, who had been granted bail had faced incarceration for two months or even less.

5. Learned counsel for the opposite parties submitted that the role of the petitioner has been established during investigation. However, in view of the orders of the co-ordinate Benches, learned counsel submitted that the Court may take a view in the matter.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 25,000/- (Twenty Five thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Vigilance Ist, Patna in Special Case No. 49 of 2018 arising out of Economic Offences PS Case No. 012 of 2018, subject to depositing Rs. 13 lakhs with the Bank, which shall be subject to final disposal of the case.

7. After the order was passed, learned counsel for the petitioner submitted that he may be permitted to deposit the amount in installments.

8. Having regard to the aforesaid, let Rs. 5 lakhs be deposited prior to release of the petitioner. Thereafter, another Rs.



5 lakhs shall be deposited within one month from his release. The rest amount shall be deposited within the next one month. It is made clear that any default with regard to such condition shall lead to automatic cancellation of his bail bonds.

9. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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