

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68550 of 2019

Arising Out of PS. Case No.-402 Year-2019 Thana- HILSA District- Nalanda

HARENDRA KUMAR S/o Late Brahamdeo Singh R/o village- Fatehpur,
P.S.- Chiksaura, District- Nalanda

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Upendra Prasad S/o Late Basudev Mahto R/o village and P.O Jamsari, P.S.- Bind, District- Nalanda, At present Incharge Branch Manager of Nalanda Central Co-operative Bank Ltd, Branch Hilsa, District- Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr Adv.
For the Nalanda Bank (Informant)	:	Mr. Bindhyachal Rai
For the Opposite Party/s	:	Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 25-10-2019 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Hilsa P.S.Case No.402 of 2019 registered for offences punishable under Sections 419, 420, 406, 120B/34 of the Indian Penal Code.

As per FIR, Rs.57,29,579.50 was due with the petitioner and he has not returned the same .

Submission of the learned counsel for the petitioner is that the Chairman of the PACS had taken Rs.49,67,000/- and odd for purchase of the paddy , the same was purchased but later on the same was not taken by the B.S.F.C. as such the amount could not be deposited in the bank of the informant and



for that a certificate proceeding is also pending against the petitioner and now with respect to the same, the petitioner has made allegation of defalcation of Rs.57,29,579.50 and he is still ready to deposit the original amount of Rs.50 lac, if some reasonable time is given to the petitioner

Heard learned A.P.P. and the learned counsel for the Nalanda Co-operative Bank. They have no objection to the above submission.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner surrender within a period of six weeks from the date of receipt of the order with a bank draft of Rs.10 lac (ten lac) in favour of the Nalanda Central Co-operative Bank, Branch Hilsa and on that he will be released on provisional bail for a period of five months and during that period, he has to deposit the rest of the amount as admitted by him i.e. Rs.40 lac in five equal installments of Rs.08 lac (eight lac) each and once the total amount is deposited, the bail bond of the petitioner shall be confirmed

It is also made clear that in case of failure to deposit continuously two installments, provisional bail of the petitioner shall be cancelled.

Above order has been made without making any



comment on the interest part of the above amount.

With the aforesaid direction, this application is disposed of.

(Vinod Kumar Sinha, J)

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