IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2838 of 2021

Arising Out of PS. Case No.-164 Year-2014 Thana- GHANSHYAMPUR District- Darbhanga

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BHARAT KUMAR CHOUDHARY @ BHARAT CHOUDHARY, SON OF LATE TRIPT NARAIN CHOUDHARY R/o village- Sahasram, P.S. and Via- Biroul, District- Darbhanga

... ... Petitioner/s

Versus

THE STATE OF BIHAR

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Rajesh Kumar Jha
For the Opposite Party/s : Mr.APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 22-07-2021 Heard Mr. Prem Kumar Jha, learned counsel for the petitioner and Mr. Ram Priya Sharan Singh, learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Ghanshyampur P. S. Case No. 164 of 2014, dated 12.09.2014, instituted for the offences under Sections 420, 467, 471 and 120 (B) of the Indian Penal Code.

The accusation in the F.I.R. is that the informant was made to sign certain documents in KCC form under the assurance that he shall be provided subsidy by the government. The original documents remained with the informant but the money which was allotted for the beneficiaries has been withdrawn and embezzled. The petitioner is said to be one of the conspirators in the above illegal act.

The learned counsel for the petitioner has submitted that at the relevant time, the petitioner was the Branch Manager of North Bihar Gramin Bank of Bauram in the district of Darbhanga.

Similar nature of cases were filed against him on such vague charges in the year 2009.

In most of the cases, the petitioner has been granted bail.

The petitioner was due to retire from his service on 31.01.2019 but shortly before that, he was terminated from service. The termination of the petitioner has been challenged before this Court.

Apart from all this, it has been urged on behalf of the petitioner that a bare reading of the F.I.R. would indicate that it is based on vague charges. The informant has no idea about the manner in which, the petitioner had participated in the offence. Precisely for this reason, the investigation has remained pending for such a long period.

The embezzlement is said to have taken place some times in the year 2009 but the subject F.I.R. has been lodged in the year 2014 and the investigation has been kept pending till date.

No evidence, worth its name, could be collected against the petitioner till date.

Regard being had to the afore-stated facts, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Biroul at Benipur

(Darbhanga), in connection with Ghanshyampur P. S. Case No. 164 of 2014, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

However, the petitioner is cautioned that in case he dilly-dallies in cooperating with the investigation, the anticipatory bail granted to him would be rendered liable to be cancelled.

(Ashutosh Kumar, J)

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