

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19092 of 2021

Arising Out of PS. Case No.-165 Year-2014 Thana- GHANSHYAMPUR District- Darbhanga

BHARAT KUMAR CHOUDHARY @ BHARATH CHOUDHARY Son of
Late Tript Narain Choudhary Resident of Village- Sahasram, P.S. and Via-
Biroul, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Shri Prasad Yadav S/o Late Mahendra Yadav R/o village- Bela Ganauni,
P.S.- Jamalpur Bargaon O.P., District- Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Pawan Kumar Chaurasia, APP
For the OP No. 2	:	Mr. Navnit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

7 09-05-2022 Heard the counsel for the parties.

The petitioner seeks bail in anticipation of his arrest in connection with Ghanshyampur P.S. Case No. 165 of 2014 dated 12.09.2014, instituted for the offences under Sections 406, 420, 467, 468, 471 and 120(B) of the Indian Penal Code.

The accusation against the petitioner is of having distributed amongst himself and his associates an amount which was given to the opposite party no. 2 under Kisan Credit Card.

The learned counsel for the petitioner has submitted that a complaint was lodged after five years which ultimately has given rise to the subject FIR. He further submits that the accusation is absolutely false and is motivated. In fact, the



petitioner was making efforts in his capacity as Branch Manager of the bank in question to have the loan amount returned and in order to prevent him from doing so, he has been made accused in this case.

As opposed to the aforesaid contention, Mr. Navnit Kumar learned Advocate for O.P. No. 2 has submitted that the petitioner is in the habit of defrauding innocent farmers and investors which can be reflected from four cases which have been lodged against him since the year 2009. He may have been granted bail in all such cases but the fact remains that if the petitioner would have really worked as Branch Manager, such cases would not have been filed against him.

With respect to the delay in lodging the case, Mr. Navnit Kumar has argued that the opposite party no. 2 was not aware of his rights and was waiting for the money to be given back to him by the petitioner, who had promised to return the money. It was only later when he realized that his money would not be returned to him that he has filed this case.

For the reason that the petitioner is the Branch Manager of the bank, where he was making efforts to have the loans returned to the bank and that in all other cases, he has been granted bail, the provisional bail granted to him *vide* order



dated 10.02.2022 is, hereby, confirmed.

The petitioner shall remain on the same bail bonds.

The petition stands allowed and disposed off
accordingly.

(Ashutosh Kumar, J)

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