

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10685 of 2022

Arising Out of PS. Case No.-109 Year-2017 Thana- ARWAL District- Jehanabad

PRAKASH KUMAR DWIVEDI S/o Suraj Prasad Dwivedi R/o Mohalla-
Chitragupta Nagar, New Colony, Patna, P.S.- Kankarbagh, District- Patna
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	: Mr. Awadhesh Kumar Mishra, Advocate Mr. Ajay Kumar, Advocate Mr. Dewesh Kumar Pandey, Advocate
For the Opposite Party/s	: Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 19-12-2022 Heard the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 409 and 420 of the Indian Penal Code.

As per the prosecution case, as a result of the 799 loans sanctioned to different persons by the Branch of which the petitioner was the Branch Manager between the period 1.9.2012 to 23.12.20214, defalcation to the tune of Rs. 2,48,33,646.94 is said to have taken place. It further transpired that out of the loans sanctioned 188 land possession certificates were found to be false and 121 loanees were found not to be residing at their given address.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case only for the reason that he happens to be the Branch Manager of the Bank at the



relevant time. The allegations against the petitioner are false and incorrect. It is submitted that even accepting the nature of allegation as leveled in the FIR and the material that has transpired in course of investigation, the evidence is documentary in nature which is already in possession of the investigating agency, charge-sheet already having been submitted in the case. As per instructions received it is submitted that the petitioner has been dismissed from service a day before his scheduled date of retirement. The petitioner is in custody since 16.6.2021.

Heard learned A.P.P for the State.

Having heard learned counsel for the parties and taking into consideration the nature of allegation, the investigation having concluded together with the petitioner having remained in custody for more than 1 year 5 months since 16.6.2021, the petitioner is directed to be enlarged on bail in connection with Arwal P.S. Case no. 109 of 2017 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Arwal.

(Partha Sarthy, J)

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