

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17760 of 2022

Arising Out of PS. Case No.-46 Year-2020 Thana- RAMPUR CHAURAM District-
Jehanabad

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Ajit Kumar Son of Late Ram Prasad Singh Resident of Shekhpura, P.S.-
Rampur Chouram, District - Arwal

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dakshin Bihar Gramin Bank, Branch - Karpi, Imamganj Prasadi English,
Town Telpa, District - Arwal Through its Branch Manager, Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjiv Sharan, Advocate
	:	Mr. Sanjay Kumar Mishra, Advocate
For the Bank	:	Mr. Pravin Prabhakar, Advocate
For the State	:	Mr. Bharat Lal, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 03-08-2022 Heard learned counsel appearing on behalf of the

petitioner, learned APP appearing on behalf of the State and

learned counsel for the Bank.

Let the defect(s), if any, be removed within a period of

four weeks from today.

The petitioner seeks bail in connection with Rampur

Chauram P.S. Case No. 46 of 2020 registered for the offence

under Sections 406 and 420 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in

custody since 31.01.2022.

The allegation against the petitioner is to facilitate the



main accused, Sudhir Kumar, who is a co-villager of the informant and cheat several villagers by presenting himself as an agent of Anand Auto for providing loan against tractors, power drillers, and other agricultural machines, where huge amount of money, from several bank accounts of South Bihar Gramin Bank, Branch Karpi, was withdrawn.

Learned counsel appearing on behalf of the petitioner submitted that thrust of allegation is against co-accused, namely, Sudhir Kumar, who is the own brother of the petitioner. It is submitted that petitioner received Rs.15 Lakhs from the main co-accused, namely, Sudhir Kumar out of family partition and, as such, present implication was made without any basis. It is also submitted that except this allegation, nothing surfaced against this petitioner, which may incriminate him in the present case. It is pointed out that petitioner is involved in three more criminal cases, in which he is on bail. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel appearing on behalf of the Bank, while opposing the prayer of bail, fairly conceded that the thrust of allegation is against co-



accused, namely, Sudhir Kumar.

Considering the facts and circumstances as mentioned above, as allegation against this petitioner is limited only to receive a cheque of Rs.15 Lakhs from the main co-accused, namely, Sudhir Kumar, who is none but his own brother, out of family partition coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Rampur Chauram P.S. Case No. 46 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Jehanabad/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the



Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be Ratnesh Kumar, who is the Nephew (*Bhagina*) of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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