

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32161 of 2021**

Arising Out of PS. Case No.-90 Year-2021 Thana- KHAGARIA District- Khagaria

PANKAJ PASWAN S/o Shekhar Paswan R/o village- Mathurapur, P.S. and District- Khagaria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 69824 of 2021

Arising Out of PS. Case No.-90 Year-2021 Thana- KHAGARIA District- Khagaria

ANIL PODDAR @ ANIL KUMAR PODDAR SON OF RAJENDRA PODDAR Resident of Village - Sumbha Gajighat, P.S.- Alauli, Distt.- Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 32161 of 2021)

For the Petitioner/s : Mr.Praveen Kumar Agrawal

For the Opposite Party/s : Ms. Nirmala Kumari

(In CRIMINAL MISCELLANEOUS No. 69824 of 2021)

For the Petitioner/s : Mr.Ranjan Kumar Singh

For the Opposite Party/s : Mr.Shailendra Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

6 13-04-2022 Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State, in both the cases.

The petitioners seek regular bail in connection with Khagaria Police Station Case No. 90 of 2021, registered for the offence punishable under Sections 420/406/409/467/468/379/



120-B/34 of the Indian Penal Code.

The prosecution case, as per the First Information Report, is that the petitioner Anil Poddar called the informant and three others with a promise that they would get a loan of Rs. 1,50,000/- from Bank of Baroda, and brought them to the bank on his motorcycle and the Bank Manager gave them a loan of Rs. 1,00,000/- each out of the sanctioned amount of Rs. 1,50,000/- after taking their thumb impression and the amount given by the Bank Manager was taken by the petitioner Anil Poddar by saying that the same would be returned to them after counting the notes. It has further been alleged that the petitioner Anil Poddar brought them to the Horse Cart Stand, where they met the petitioner Pankaj Paswan and other accused persons and promised to deliver the entire amount after counting the same. It has further been alleged that the petitioners, along with others, took away the money from the informant and others, out of which a sum of Rs. 80,000/- was given to the petitioner Pankaj Paswan, who was handed over to the police by the informant and a sum of Rs. 5000/- was recovered from the possession of petitioner Pankaj Paswan.

Learned Counsel for the petitioners submits that the petitioners have not committed any offence in the manner



alleged and they have falsely been implicated in this case inasmuch as during the course of investigation, no material has come against the petitioners. It is further submitted that the police has recorded that the informant and others had received the loan amount from the counter of the bank and referring to paragraph 15 of the supplementary case diary, no CCTV footage has come to suggest that the petitioner Anil Poddar was present inside the bank. It is further submitted that the co-accused Bank Manager, including co-accused Rajeev Kumar Sah and Jago @ Sujit Kumar Sah, have been granted anticipatory bail by the learned Court below itself. They further submit that the petitioners are in custody since 29.01.2021 and 25.09.2021 respectively, having no criminal antecedent and charge sheet has been submitted against them and as such there is no likelihood that the petitioners will abscond and/or tamper with the evidence.

Regards being had to the submissions made on behalf of the parties and taking into consideration the materials on record and the fact that co-accused persons have been granted anticipatory bail by the learned Court below, charge sheet has already been submitted and the petitioners are in custody since 29.01.2021 and 25.09.2021, having no criminal



antecedent, I am inclined to grant regular bail to the petitioners.

These applications are, accordingly, allowed.

Let the petitioners, above named, be released on bail, upon furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria, in connection with Khagaria Police Station Case No. 90 of 2021.

This is subject to the condition that the petitioners shall present themselves before the Court, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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