

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40781 of 2021

Arising Out of PS. Case No.-340 Year-2020 Thana- BIKRAMGANJ District- Rohtas

Janki Sharan Singh, Male aged about 63 years, Son of Late Janardan Singh,
resident of Village and P.O.-Dharupur, P.S.- Bikramganj, District-Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Legal Incharge, Head Office, Sasaram, Bhaghua Central Cooperative Bank
Ltd. Sasaram, Kargahar More, Sasaram, Rohtas, Bihar-821115.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Singh, Sr. Advocate
For the Opposite Party/s	:	Mr. Amit Kumar Rakesh, APP
For the Bank	:	Mr. Bindhyachal Rai, Advocate

**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

3 10-02-2022 Heard the parties through video conferencing.

Let the defect(s), if any, be removed within four weeks of starting of the court proceeding in physical mode properly.

The petitioner seeks bail in anticipation of his arrest in connection with Bikramganj P.S. Case No. 340 of 2020 instituted for the offences punishable under Sections 409 and 420 of the Indian Penal Code.

Learned counsel for the petitioner submits that he was retired in the year 2017, as a clerk from the Cooperative Society and there is allegation of defalcation of a huge amount of Rs. 13 lakhs, which has been levelled against him along with

two others in the year 2021. Learned counsel for the petitioner submits that no audit was conducted on the basis of a committee report, the petitioner has been held to have committed defalcation. No purpose would be served in arresting the petitioner and co-accused Shankar Dayal Singh has already been granted bail.

Learned counsel appearing for the Society strongly opposes the bail application and submits that the committee has found that the defalcation of the amount was done during the period when the petitioner was the clerk.

Considering that it is a preliminary enquiry report, which has been made on the basis for lodging of FIR and the investigation already conducted, I am inclined to allow the anticipatory bail application of the petitioner, in the event of arrest he shall be released on anticipatory bail, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sanjeev Prakash Sharma, J)

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