

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22742 of 2023

Arising Out of PS. Case No.-424 Year-2022 Thana- DHURAIYA District- Banka

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1. INDRA DEVI W/o- LATE JITENDRA KUMAR LAL Mohalla- Noulakha Apartment Badi Khanjarpur Ps- Jagdishpur Dist- Bhagalpur
 2. Sunny Kumar son of Late Jitendra Kumar Lal Mohalla- Noulakha Apartment Badi Khanjarpur Ps- Jagdishpur Dist- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Prashant Kumar Bariyar son of Late Lal Mohan Prasad Resident- Khanjarpur PS- Barari Dist- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arya Achint, Advocate
For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-07-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 408, 409, 420 and 120(B) of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent, petitioner no.1 is a woman and the informant (Regional Manager, SBI, Bhagalpur Branch) alleges that petitioners and other eight named accused persons have misappropriated an amount of Rs. 2,02,90,019/- by unauthorised debit transaction from several SHG accounts.



Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that petitioner no.1 is wife of Late Jitendra Kumar Lal and petitioner no.2 is son of petitioner no.1, it is further submitted that petitioners were not associated with the bank in any manner except the fact that husband of petitioner no.1 and father of petitioner no.2 was working with the bank and against him it is alleged that he, in connivance with other accused persons, misappropriated the said amount, it is further submitted that certain amount was credited in the account of the petitioners. Learned counsel further submits that petitioners were completely unaware that how and on what basis the amount was being credited by Jitendra Kumar Lal, it is next submitted that petitioners never presumed that the money so credited in their account was misappropriated money from the bank, it is further submitted that even Jitendra Kumar Lal was proceeded departmentally and was awarded with a punishment of censure. Learned counsel thus submits that it absolutely does not stand to reason that as to why Jitendra Kumar Lal would have credited the amount in the account of his wife and child, creating evidence against himself and thus would have been implicated, it is further submitted that this perhaps explains that



as to why the complaint does not contain the amount credited in the account of the petitioners, it is further submitted that petitioner no.1 is a housewife and thus was completely unaware that what money transaction is being done in her account by her husband and petitioner no.2 at the time of the date of occurrence was a student aged about 18-19 years.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Dhoraiya P.S. Case No. 424 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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