

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30352 of 2023

Arising Out of PS. Case No.-123 Year-2023 Thana- SIWAN CITY District- Siwan

RAMAYAN CHOUDHARY @ RAMAYAN YADAV s/o RAMASRAY
YADAV RESIDENT OF VILLAGE BARHAN GOPAL P.S. MOFUSSIL
SIWAN DISTRICT SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar Ray, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-07-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 467, 468,
471, 406, 420 and 120(B) of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of twenty-two cases.

4. Allegation is of defalcation of public money to the
tune of Rs.7 crores.

5. Learned counsel for the petitioner submits that the
present FIR was instituted after the petitioner had deposited the
entire amount with interest. Learned counsel further relies on
Annexure-2 to the supplementary affidavit and submits that the
Siwan Central Co-operative Bank Limited, Siwan has given a



no dues certificate in favour of M/s Durga Traders whose proprietor is the petitioner. Learned counsel also submits that petitioner will not abscond rather will cooperate in the investigation and will present himself as and when required by the investigating officer of the case for eliciting the truth. Learned counsel also submits that no doubt the petitioner has antecedent of twenty-two cases but then being a political person, he has been implicated in similar manner as in the present case. It is further submitted that out of twenty-two cases, petitioner has been acquitted in ten cases and in rest of the cases he is on bail. Learned counsel for the petitioner at this stage submits that it is not a case of defalcation rather the petitioner had taken loan and when the loan was not redeemed the present FIR was instituted even without verifying whether the petitioner has redeemed the loan amount or not.

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

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his 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.25,000/-



(Rupees Twenty-five Thousand) 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 Siwan Town P.S. Case No. 123 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, it is made clear that if the investigating officer of the case files an application bringing to the notice of the learned court below that petitioner despite giving assurance to this Court is not cooperating in the investigation or is not presenting himself when required by the investigating officer, the learned court below shall be at liberty to cancel the bail bonds of the petitioner after recording reasons and thereafter to take all coercive steps in order to ensure that the petitioner is behind the bar.

9. Let a copy of this order be sent to the concerned police station through the learned court below.

10. It is further made clear that if the charge-sheet is submitted against the petitioner connecting him with the offence then the present anticipatory bail order shall loose its effect.

(Satyavrat Verma, J)

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