

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37831 of 2023

Arising Out of PS. Case No.-120 Year-2022 Thana- DARIHAT District- Rohtas

Sushil Thakur, Son of Mahendra Thakur, Resident of Village - Prasongara or Prasaganda, P.S.- Sikraul, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-07-2023 Heard Mr. Babu Nandan Prasad, learned counsel

appearing on behalf of the petitioner and the learned APP for the

State.

2. The petitioner apprehends his arrest in connection
with Darihat P.S. Case No.120 of 2022 registered for the
offences punishable under Sections 406, 420 of the Indian Penal
Code.

3. It is alleged that while the petitioner was posted as
loan officer of Utkarsh Small Finance Bank Limited, Dharahara,
Rohtas, he has collected an instalment amount of total
Rs.2,38,250/- from the different customers but did not deposit
the same in the bank account. It is further alleged that having
come to know that he might be landed in trouble, he has
deposited Rs.22,770/- but did not deposit the rest of the amount



of Rs.2,15,480/- and as such, by this way he misappropriated the amount of the customer causing loss to the customer and the bank.

4. Learned counsel appearing on behalf of the petitioner submits that as per the rules, the customers were obliged to deposit the money before the loan officer and the signature of the customer as well as the officer concerned were put on the loan register but without verifying the loan register, the present case has been lodged. The petitioner has never received any money from any customer and there is no document to prove that he put his signature on the concerned register in token of the amount received from the customer. He further submits that despite all the aforementioned facts, he is still ready to deposit the rest of the amount of Rs.2,15,480/-.

5. On the other hand, learned APP for the State vehemently opposes the pre-arrest bail application of the petitioner and submits that prima facie the petitioner appears to be involved in misappropriation of the public money.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner bears no criminal antecedent and he undertakes that he will deposit the rest of the amount of Rs.2,15,480/- within a period



of six weeks, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Dehri, Rohtas, in connection with Darihat P.S. Case No.120 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with further condition that he will furnish the receipt showing deposit of the aforementioned amount, failing which the prayer for grant of pre-arrest bail would stand rejected.

(Harish Kumar, J)

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