

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43021 of 2023

Arising Out of PS. Case No.-53 Year-2017 Thana- CHHABILAPUR District- Nalanda

Gariban Prasad @ Gariban Yadav @ Arjun Prasad Son of Hari Yadav
Resident of Village - Bahera, P.S. - Silao, Distt. - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 06-09-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

2. The petitioner seeks bail in connection with Chhabilapur P.S. Case No.53 of 2017, registered for the offences punishable under Sections 409, 420, 120(B) of the Indian Penal Code.

3. As per allegation, it is a case of loss of some documents related with loan sanctioned/disbursed by the bank to the customers. It is further case of the bank that the documents upon which the loan was sanctioned are also found to be fake and in the aforesaid commission of offence, Rs. 2,12,78,100.41/- is involved.



4. Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is in no way connected with the functioning of bank because he is neither the official of the bank nor the agent, he is just a villager and he is in no way involved in the alleged offence.

5. He further submits that the petitioner has been languishing in jail since 25.01.2023.

6. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedent.

7. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

8. However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

9. Considering the aforesaid facts and circumstances, particularly the fact that he is not an official of the Bank and he is a villager, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of



Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, Nalanda at Biharsharif, in connection with Chhabilapur P.S. Case No.53 of 2017 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has



concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

10. Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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