

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46057 of 2022

Arising Out of PS. Case No.-78 Year-2009 Thana- CHAND District- Kaimur (Bhabua)

NAGINA PRASAD GUPTA S/o Late Ambika Sah R/o village- Bairi, P.O. Gehua, P.S.- Chand, District - Kaimur (Bhabhua) At present R/o Village - Chand, P.O. - chand, P.S.- Chand, District- Kaimur (Bhabhua).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Prasad Singh, Sr. Advocate
For the Opposite Party/s : Mr.Md. Mushtaque Alam,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-01-2023 Heard Mr. Krishna Prasad Singh, learned Senior counsel for the petitioner and Mr. Md. Mushtaque Alam, learned counsel for the State.

The petitioner apprehends his arrest in connection with Kaimur P.S. Case No. 78 of 2009 for the offence registered under Sections 406, 409, 419, 420, 467, 468, 471, 120(B) and 34 of the Indian Penal Code.

As per the prosecution story, the Manager, Madhya Bihar Gramin Bank, Chand, Kaimur submitted a written report in 2009 before the Chand Police Station stating that the accused, Rajendra Prasad Sah, official of the said Bank in connivance with the other accused persons made the bank looser by lakhs of Rupees (Rs. 75,41,474/-).

Learned Senior counsel submits that so far as this



petitioner is concerned, he is not the official of the bank and further was only an account holder in whose account the Manager allegedly used to deposit and then withdraw the amount. He however, concedes that the matter is of 2009 and despite the rejection of anticipatory bail petition no. 826 of 2010 by the learned Sub-ordinate Court, he failed to surrender. He however, submits that even otherwise there is allegation that a sum of Rs. 25,000/- was deposited in his account on 27.03.2008 and which was subsequently withdrawn. Although the same was not done by him, in view of the allegation, he is ready to pay double of the said amount (Rs. 50,000/-) in view of the fact that the matter is of 2008 and this is year 2023. This according to him will be paid irrespective of the outcome of the present petition.

Learned APP for the State submits that there is a defalcation as also delay on his part in surrendering before the Court. He however, concedes that specific allegation is against Rajendra Prasad Sah and so far as this petitioner is concerned the allegation is of deposit and withdrawal of Rs. 25,000/- from his account.

Taking into account the aforesaid submission as also the fact the petitioner is ready to pay Rs. 50,000/- to the Bank



through demand draft of local State Bank Of India branch, he has clean antecedent, this Court is inclined to grant him relief subject to the payment of the aforesaid amount in the *Nazarat* of the concerned subordinate Court which will be released in favour of the Bank

In the aforesaid circumstances, the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IV, Kaimur at Bhabhua in connection with Kaimur P.S. Case No. 78 of 2009 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha/-

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