

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70976 of 2023

Arising Out of PS. Case No.-91 Year-2017 Thana- CHAUTHAM District- Khagaria

Shatrughan Kumar Son Of Sadanand Singh R/O Village- Jhurkhuriya, P.O.-
Bahadurpur, P.S.- Zeromile, District- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-11-2023 Heard Mr. Kundan Kumar, learned counsel for the
petitioner as well as Mr. Binod Kumar, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Chautham P.S. Case No.91 of 2017, F.I.R.
dated 12.05.2017 registered for the offence punishable under
Sections 420, 406, 409, 120(B), 467, 468, 471 and 34 of the
Indian Penal Code.

3. The prosecution case, in short, is that the accused
Kavita Devi received Rs. 3,000/- from the informant and other
persons in pretext to get them sanctioned KCC loan saying that
she has good relation with Gholat Singh, Rupesh Singh, and
Chandan Singh who had good faith with the bank employees
and obtained their signature/ thumb impressions on withdrawal
forms and other documents but no loan was sanctioned to the



informant and others. Further alleged that when the informant and others went to the accused persons it came to the light that accused persons have withdrawn their maximum KCC loan from the account of each of them. It has been also alleged that about Rs. 1-2 crores has been misappropriated by the accused persons in pretext of loan. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and has falsely been implicated in the present case. He further submits that initially the petitioner was not named in the FIR, rather name of the petitioner had transpired during course of investigation after about six years of the filing of the present FIR. Further, submits that it appears from perusal of the F.I.R. that there is no specific allegation against the petitioner. He further submits that petitioner had already resigned from the Bank service with effect from 28.02.2017 and the present FIR is instituted on 12.05.2017. He further submits that the co-accused person, namely, Binod Kumar Singh who is happened to be Field Officer, had been granted privilege of anticipatory bail vide order dated 24.08.2017 in Cr. Misc. No.31865 of 2017.

5. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the



petitioner.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Chautham P.S. Case No.91 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(ii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of anticipatory bail.

(iii) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his



criminal antecedents, the court below shall take step for cancellation of anticipatory bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Prakash Narayan

U		T	
---	--	---	--

