

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14537 of 2023

Arising Out of PS. Case No.-281 Year-2018 Thana- SURSAND District- Sitamarhi

DEEPAK KUMAR MANDAL Son of Sunil Mandal R/v- Sugapatti, P.S.-
Gayghat, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raushan Kumar Tiwari S/o Rajendra Tiwari R/o vill - Najirpur, P.S. -
Rahika, Distt. - Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subodh Kumar

For the Opposite Party/s : Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 29-02-2024 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 Section 409 of the
Indian Penal Code.

3. Learned counsel for the petitioner submits that the
petitioner has been falsely implicated in the present case, it is
next submitted that petitioner joined the bank on 30.08.2018 and
during his tenure, it is alleged that an amount of Rs. 4,74,270/-
is alleged to have been defalcated. It is next submitted that from
perusal of the allegation as alleged in the F.I.R., it would
manifest that in between 27.08.2018 and 28.08.2018, an amount



of Rs. 2,26,910/- was found short, it is submitted that the said amount, which was found short, was prior to the tenure of the petitioner. It is next submitted that thereafter an audit of the bank was conducted on 03.10.2018 wherein it transpired that an amount of Rs. 4,74,270/- stands defalcated which also included the amount which was found short in between 27.08.2018 and 28.08.2018. It is further submitted that thereafter the informant also alleges that petitioner during his tenure collected an amount of Rs. 1,39,800/- and did not account for the same, but then the said allegation is refuted on the ground that petitioner never collected any amount from any beneficiary.

4. The learned counsel for the petitioner further submits that though there is allegation of defalcation, but the said defalcation did not take place during the tenure of the petitioner. It is also submitted that the petitioner will not abscond rather will co-operate in the investigation.

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

6. 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 trial court 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 trial court where the case is pending/successor court in connection with Sursand P.S. Case No. 281 of 2018 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioner despite giving assurance to this Court is not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to forthwith cancel the bail bonds of the petitioner.

8. It is further made clear that in the event if charge sheet is submitted connecting the petitioner with the offence, in that event, the present anticipatory bail order shall lose its effect.

9. Accordingly, the present anticipatory bail application stands allowed.

(Satyavrat Verma, J)

Rishabh/-

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

