

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16715 of 2024

Arising Out of PS. Case No.-144 Year-2023 Thana- GHOGHARDIHA District- Madhubani

Dilip Kumar Yadav Son of Raj Kumar Yadav Resident of Village- Karpur P.O.
Palimohanpur P.S.- Khajauli, District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Lal Babu Singh Son of Late Laxmi Narayan Singh (Branch Manager, Bharat Financial Inclusion Limited, Ghoghardih), Resident of Village- Baghiekdara, P.S. Samastipur, District- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivnandan Bharti, Adv.
For the Opposite Party/s : Mr.Binod Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 30-07-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Ghoghardiha P.S. Case No. 144 of 2023/ G.R. No. 1776/2023 dated 06.10.2023 registered for the offences punishable u/ss 420, 406, 467, 468, 120B of the Indian Penal Code.

3. As per the prosecution case, the informant being a Branch Manager in the Bharat Financial Inclusion Limited, Ghoghardih has alleged that the petitioner is an employee of the said finance company and provides financial services to women for various business in the area. The petitioner joined the said



company on 15.04.2021 while working as a field officer absconded with Rs. 4,50,181/- of 21 members from 4 centers under a conspiracy from 23.03.2023 to 15.06.2023. This amount was of the members and given for closure of the loan amount but it was not entered in the branch system. Further, an investigation was conducted by the audit team in which the defalcation of Rs. 4,50,181/ was found correct. The petitioner asked to deposit the said amount but he does not pick calls.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The name of the petitioner has surfaced in this case merely on suspicion. Learned counsel has further submitted that the petitioner was terminated from the service on 10.04.2023 and at the time of leaving the office, there was no such allegation against the petitioner and after inordinate delay of almost six months, the present prosecution has been initiated without any explanation. From perusal of the internal audit report, it is evident that the petitioner was terminated on 10.04.2023 but the fraud was committed between 23.03.2023 to 15.06.2023 which clearly shows that the petitioner has been implicated in this case by the present employee. There is no material or evidence against the petitioner to connect him with



the alleged offence. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 21.11.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Jhanjharpur, Madhubani in connection with Ghoghardiha P.S. Case No. 144 of 2023 with the condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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