

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35546 of 2024

Arising Out of PS. Case No.-121 Year-2023 Thana- SAMASTIPUR District- Samastipur

Nitish Kumar @ Nitis Kumar, Son of Arun Paswan, Resident of Village-
Karchachha, Police Station - Muffasil, District - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rame Ranjan Raj, Son of Late Ram Niwash Sharma, Branch Head, Axis Bank Ltd., Samastipur. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shashank Shekhar, Advocate Mr. Mr. Utsav Kumar, Advocate Mr. Mukul Kumar, Advocate
For the Opposite Party/s :		Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 2 17-05-2024
1. Heard learned counsel for the parties.
 2. The petitioner has preferred this application for grant of regular bail in connection with Samastipur Town P.S. Case no. 121 of 2023 registered under sections 420, 467, 468, 419 and 120B of the Indian Penal Code.
 3. As per the prosecution case, the allegations against the thirty accused persons including the petitioner herein are that they are all said to be the customers of the bank in question. It is stated that they entered into conspiracy with the so called valuer of the bank and by depositing spurious gold obtained gold loan.
 4. Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the case. The allegation of the petitioner depositing spurious gold is false and incorrect. Without admitting his guilt, learned counsel for the petitioner submits that the outstanding amount of loan as would be evident from the records of the case as on date was Rs.2,97,595/-. The petitioner is ready to deposit the same in four equal monthly installments starting with 1.6.2024. The petitioner has no criminal antecedent and is in custody since 31.3.2024.

5. The application for bail is opposed by learned A.P.P for the State. Learned counsel for the Axis Bank on instructions submits that in case the outstanding amount is paid by the petitioner as per the time fixed by this Court, the bank may not oppose the prayer for bail. Further, it is submitted that liberty may be granted to the Bank to make an application for cancellation of bail granted to the petitioner in case the deposits are not made in the scheduled time.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner, the submission made by learned counsel for the petitioner that the petitioner would deposit the total outstanding amount in four equal monthly installments, the petitioner having remained in custody since 31.3.2024 and his not having any



criminal antecedent, the petitioner is directed to be enlarged on bail in connection with Samastipur Town P.S. Case no. 121 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Samastipur.

7. In case, the petitioner defaults in deposit of any of the installments ie the monthly installments not having been deposited by the 15th of that particular month, the bank will have the liberty to move for cancellation of bail of the petitioner.

(Partha Sarthy, J)

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