

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44329 of 2024

Arising Out of PS. Case No.-184 Year-2022 Thana- SHAMBHUGANJ District- Banka

Gorelal Yadav, aged about 70 years (male), Son of Late Banarsi Prasad Yadav, resident of village- Bela, Police Station- Shambhuganj, District- Banka. At present resident of mohalla - Babutola, ward no.-9, Block Gate P.O. + P.S.- Banka District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-07-2024 Heard Mr. Ajay Mukherjee, learned counsel

appearing on behalf of the petitioner and Mr. Satyendra Prasad,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Shambhuganj P.S. Case No. 184 of 2022, registered for the offence punishable under Sections 406, 409, 420, 467, 468, 471 and 120(B) of the Indian Penal Code.

3. As per the allegation made in the FIR, while the petitioner was posted as Branch Manager during the period 17.01.2013 to 06.06.2013 at Bhagalpur Central Cooperative Bank Ltd. at Shambhuganj Branch, he had defalcated Rs. 1,13,245/- from Migra Account in collusion with one Chandan Kumar, the then cashier of the aforesaid bank.

4. Learned counsel appearing on behalf of the



petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. He further submitted that alleged incidence had taken place between the period 17.01.2013 and 06.06.2013, while the petitioner was posted as Branch Manager at Shambhuganj Branch. Petitioner had retired a year after the alleged offence had taken place. The FIR has been lodged in the year 2022 at a belated stage. Learned counsel further submitted that he has received instruction that a sum of Rs. 1,13,245/- into the Depositor Education and Awareness Fund (DEAF) Account of the Reserve Bank of India and, as such, no misappropriation has been made by the petitioner of any amount, however, the petitioner seeks to deposit the alleged amount of Rs. 1,13,245/- to get rid of the criminal prosecution. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made against the petitioner, as well as, the fact that the petitioner cannot only be held responsible for transfer of the amount allegedly to have been defalcated. The incidence is of year 2013 and FIR has been lodged in the year 2022, after much delay. It has been informed



on behalf of the petitioner that to get rid of being apprehended, petitioner is ready to deposit the entire amount as alleged being Rs. 1,13,245/-. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his/her arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka/ court concerned, in connection with Shambhuganj P.S. Case No. 184 of 2022, subject to the condition that petitioner must deposit the aforesaid amount and other conditions as laid down under Section 438(2) of the Cr.P.C.

8. **The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.**

(Purnendu Singh, J)

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