

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50631 of 2024

Arising Out of PS. Case No.-187 Year-2021 Thana- FORBESGANJ District- Araria

Shishu Kumar Son of Kumar Satish Chandra R/O Vill.- Bhatu Tola Sahugarh,
Ward no.- 06, P.o.- Bhagwanpur, P.S.- Madhepura, Dist.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 21-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Forbeshganj P.S. Case No. 187 of 2021 dated 12-03-2021
instituted for the offence punishable under Sections 420 and
406/34 of the Indian Penal Code.

3. Allegation in the FIR is that the informant, namely
Karamvir Kumar, who is the Area Manager of RBL Finserve
Limited Forbesganj-2 Branch, has alleged that petitioner and
one Ajay Kumar were the employees of RBL Finserve LTD
Forbesganj Branch since October 2020 to December 2020 and
their business was to give loan and collect installment money
and deposit the same in the Bank. On verification, Branch
Manager found that out of 143 loan holders, Ajay Kumar has



collected an amount of Rs. 272112/- from 64 loan holders whereas, petitioner collected an amount of Rs. 168320/- from 79 loan holders, but not deposited the amount in the Bank and in this way, they have embezzled the bank's money.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. Petitioner's counsel fairly admits that petitioner received an amount of Rs. 1,68,320/- (one lakh sixty eight thousand three hundred and twenty) from the customers. The petitioner is ready to deposit the said amount in six equal monthly installments in the R.B.L. Finserve Limited Forbesganj-2 Branch. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. Learned APP submits that since the petitioner is ready to refund the amount, the Court may pass appropriate order.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on provisional bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of



the learned Additional CJM Araria, in Forbeshganj P. S. Case No. 187 of 2021, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The petitioner shall return the amount of 1.68,320/- (one lakh sixty eight thousand three hundred and twenty) in six equal monthly installments through Demand Draft in favour of the R.B.L. Finservice Limited Forbesganj-2 Branch. The first installment i.e., Rs. 28,054/- shall be paid through Demand Draft at the time of furnishing bail bonds and shall produce an affidavit regarding the same before the learned Court below and thereafter, the rest installments shall be paid by 10th of every successive months through Demand Draft and the receipt of the same thereof shall be produced before the learned court below. Upon payment of entire amount i.e., Rupees 168,320/- (one Lakh sixty eight thousand three hundred and twenty) provisional bail of the petitioner shall be confirmed by the Court below itself. The payment of the amount shall be subject to the final outcome of the case.

8. If the petitioner fails to deposit the amount for the two consecutive months and to produce the receipt before the learned court below, his provisional bail shall be cancelled.

9. With the aforesaid direction/observation, the



application stands disposed of.

(Khatim Reza, J)

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