

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57914 of 2024

Arising Out of PS. Case No.-152 Year-2018 Thana- MAKER District- Saran

Rajesh Kumar Son of Late Binda Ray R/O Vill.- Nava Nagar, Nijamat, P.S.-
Sahebganj, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 61436 of 2024

Arising Out of PS. Case No.-152 Year-2018 Thana- MAKER District- Saran

Ragni Jha Wife of Indra Mohan Jha R/o Village- Harpur Beni, P.S.- Saraiya,
District- East Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 57914 of 2024)
For the Petitioner/s : Mr. Yugal Kishore, Adv.
For the Opposite Party/s : Mr. Anish Chandra, APP
(In CRIMINAL MISCELLANEOUS No. 61436 of 2024)
For the Petitioner/s : Mr. Nachiketa Jha, Adv.
For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 20-11-2024 Heard learned counsel for the petitioners and

learned A.P.P. for the State.

2. Since both the bail applications are arising out
of same P.S. Case Number, the same are being disposed of
by this common order.

3. The petitioners apprehend arrest in connection



with Maker P.S. Case No. 152 of 2018 dated 09.10.2018, instituted for the offence punishable under Sections 420, 406/34 of the Indian Penal Code.

4. The prosecution case, in short, is that on 03.10.2018 the petitioners themselves informed the Senior Branch Officer, namely, Narendra Kumar Giri about the misappropriation of a sum of Rs. 1, 41,789/- by his co-employee Bhaskar Singh from the Branch which was collected from the beneficiaries, who took loan from the said Branch. Further, the petitioners are alleged to have misappropriated the said collected money.

5. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that from perusal of the F.I.R., it appears that the petitioners are the persons, who gave information to the Senior Branch Officer, namely, Narendra Kumar Giri about the misappropriation of a sum of Rs. 1, 41,789/- by his co-employee Bhaskar Singh from the Branch which was collected from the beneficiaries, who took loan from the said Branch. It is submitted that there is specific allegation against Bhaskar Singh, who was in-



charge to keep and deposit the money, therefore, the petitioners have no role in depositing the said money. The informant got information of mis-appropriation of money on 03.10.2018 and on verification he came to know from the Branch on 04.10.2018. But there is delay of five days in lodging the F.I.R. without any explanation for the delay. It is submitted that the allegation against the petitioner Rajesh Kumar is that he received amount of Rs. 11, 382/- from five different scheme holders. It is submitted that the main accused, namely, Bhaskar Singh fled away with recovery register and all relevant papers regarding deposit of the said amount. It is submitted that not a single borrower has complained against the petitioners about taking the said amount from the account holder. The petitioners were not in charge of deposited money and was not authorized for keeping the said money. It was Bhaskar Singh who was in charge of keeping and depositing the said amount. It is submitted that a supplementary affidavit has been filed to show the nature of job of the petitioners. It is further submitted that the petitioners have been appointed in Needs Livelihood Micro-finance Pvt. Ltd. on 01.01.2018 on the



post of LSA (Livelihood Service Advisor) and the nature of job of the petitioners is to support Manager in area identification for establishment of new Branch and Branch expansion. A letter of intent dated 01.01.2018 has also been enclosed in the supplementary affidavit. From perusal of the said letter of intent, it appears that petitioners' duty was only to submit Branch fund requirements and ensuring availability of funds for disbursement and other Branch expansion and other office work. There is mentioning about the responsibilities of the petitioners, which shows that the petitioners have no role in keeping the said amount or collecting the amount. Lastly, it has been submitted that they have no criminal antecedents.

6. Learned A.P.P. has opposed the prayer for bail of the petitioners.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Maker P.S. Case No. 152 of 2018, Petitioner No. 1 and Petitioner No. 2 shall be released on anticipatory bail upon



furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Saran at Chapra in Criminal Miscellaneous No. 57914 of 2024 and the learned A.C.J.M.-XIII, Saran at Chapra in Criminal Miscellaneous No. 61436 of 2024 respectively subject to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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