

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63632 of 2023

Arising Out of PS. Case No.-890 Year-2021 Thana- KAHALGAON District- Bhagalpur

Jay Prakash Ram S/O- Gayani Ganesh Ram, r/o Village- Audha Malpur, PO-
Bhuwalpur, PS- Garkha, Dist- Saran, Bihar, PIN- 841415.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-02-2024 Heard Mr. Md Fazle Karim, the learned counsel for
the petitioner and Mr. Dinesh Singh, the learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with G.R. No. 5361 of 2021, arising out of
Kahalgaon PS Case No. 890 of 2021, FIR dated 23.12.2021,
registered for the offences punishable under Sections 406, 408,
420, 467, 468 and 471 read with Section 34 of the Indian Penal
Code.

3. According to prosecution case, eight employees of
Utkarsh Small Finance Bank Ltd. conspired among themselves
and during the period from October, 2020 to August, 2021
systematically performed financial fraud and embezzled Rs.
36,96,501/- (Rupees thirty-six lakhs ninety-six thousand and



five hundred and one) from 467 female loanees under different bank schemes.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the ground that he happens to be the Branch Manager of the branch in question. He further submits that upon perusal of the FIR, it appears that during the period of October, 2020 to August, 2021, altogether Rs. 3,695,501/- (Rupees thirty-six lakhs ninety-five thousand and five hundred and one) was embezzled by the petitioner and other co-accused persons and altogether 467 female loanees of the bank in question had already deposited the loan amount, but no NOC was given to them and it appears that loan is still pending against these loanees. He further submits that nothing has come during investigation that suggests the involvement of the petitioner in the present occurrence and altogether a number of witnesses have been examined under Section 161 of the Cr.P.C. and they have named the other co-accused persons namely, Brajesh Kumar, Nitesh Kumar, Amrendra Kumar Giri and Ravish Kumar and none of them have taken the name of the petitioner.

5. The learned Additional Public Prosecutor for the



State has vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that para no. 10, 17, 18, 20 and 28 of the case diary that the witnesses have given the name of the petitioner that he was involved in the crime in question.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and nothing has come during investigation that suggests the involvement of the petitioner in the present occurrence, let the petitioner, above-named, in the event of his arrest or surrender before the Court below, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur, where the case is pending in connection with **Kahalgaon PS Case No. 890 of 2021**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without



sufficient reason, his bail bond shall be cancelled by the Court below.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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