

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81756 of 2023

Arising Out of PS. Case No.-139 Year-2020 Thana- ALAMNAGAR District- Madhepura

DIVAKAR KUMAR S/O VISHNUDEO YADAV R/O DEFRA WARD NO.
09, P.S- GOALPARA, DISTT.- MADHEPURA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Adv. Mr. Satish Kumar Singh, Adv. Mr. Dinesh Maharaj, Adv.
For the Opposite Party/s	:	Mr. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 05-03-2024 Heard learned senior counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Alamnagar P.S. Case No. 139 of 2020, lodged on 28.06.2020
under Sections 406, 409, 420 of the Indian Penal Code.

3. As per the prosecution case, FIR has been lodged
against five named accused persons including the present
petitioner against whom there is an allegation that they have
appointed staff and agents under a conspiracy and misutilised
the funds in the name of Co-operative Bank namely the Koshi
Central Co-operative Credit Society Limited, Alamnagar. The
allegation in the FIR is that they all were in connivance with
each other and committed such fraud.



4. Learned senior counsel for the petitioner specifically submits that the petitioner was employed on the post of Manager at the Alamnagar Branch of the Society as a paid employee on 21.08.2019 and in paragraph no.2 of the joint enquiry report, it becomes crystal clear that audit has been done between the period from 01.04.2010 to 31.03.2018. Counsel further submits that the discrepancies contained in the FIR was relating to the period mentioned above, whereas, the petitioner's specific pleading that he has joined the Society on 21.08.2019 and therefore, any discrepancies which has been found during the said period i.e. from 01.04.2010 to 31.03.2018, the petitioner may not be held responsible. Counsel also submits that the criminal antecedent of the petitioner is clean he is in custody since 18.07.2023.

5. Learned counsel for the petitioner submits that one of the co-accused in this case has been granted anticipatory bail by this Court *vide* order dated 23.08.2023 passed in Cr. Misc. No. 54637 of 2023. Counsel also submits that the charge-sheet has already been filed in this case.

6. Learned APP for the State opposes the prayer for bail of the petitioner.

7. In the present facts and circumstances of this case



and the submissions made above, **let the petitioner above named be granted bail**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Udakishunganj, Madhepura in connection with Alamnagar P.S. Case No. 139 of 2020, subject to the conditions as laid down U/s 437(3) Cr.P.C.

(Dr. Anshuman, J.)

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