

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85682 of 2023

Arising Out of PS. Case No.-313 Year-2022 Thana- CHANPATIA District- West Champaran

Raj Kumar, Son of Balram Siingh, Resident of Village – Chhaurahiya, Ward
No.14, Police Station - Majhauriya, District - West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr.Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Chanpatiya P.S. Case No. 313 of 2022 registered for the alleged offences under Sections 420, 406 and 409 of the Indian Penal Code.

3. As per prosecution case, the petitioner used to work in a Non-banking financial company, namely, Bharat Financial Inclusion Limited, which used to work in the field of providing loan to poor ladies for self employment and for that the petitioner was authorized to accept payments in installment from the beneficiaries. The allegation against the petitioner is that he and other co-accused person, namely, Ravi Ranjan Kumar defalcated certain amount, which was deposited by the



members. The allegation against this petitioner is for defalcation of Rs.42,600/- which he received from 12 members, whereas the co-accused defalcated Rs.4,64,143/-.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. None of the members has taken the name of the petitioner who received cash and did not deposit the same with the company. The document attached with the FIR shows everywhere the name of co-accused Ravi Ranjan Kumar has been mentioned, who received the money from the members and did not deposit the same with the company. The learned counsel further submits that the petitioner has been made scapegoat in this case because of differences with the informant Branch Manger. None of the members/beneficiaries has made any complaint against the petitioner. In the circumstances, no offence under Sections 420, 406 and 409 IPC is made out against the petitioner. The learned counsel further submits that however, the petitioner is willing to deposit Rs.42,600/- in three installments in the learned court below subject to outcome of the case.

5. Learned APP opposes the submission made on behalf of the petitioner.



6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the non-specific nature of allegation and the possibility of false implication and further considering the willingness of the petitioner to deposit the alleged defalcated amount, let the petitioner, above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Chanpatiya P.S. Case No. 313 of 2022, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) The petitioner will deposit the aforesaid amount of Rs.42,600/- in the learned court below in three equal installments and he will file a receipt showing deposit of first installment at the time of furnishing his bail bond and rest two installments will be deposited by the petitioner after his release within three months. In failure to deposit rest two installments within the stipulated period, the bail bond of the petitioner



will be liable to be cancelled. However, this payment is subject to final outcome of the case against the petitioner.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

V.K.Pandey/-

(Arun Kumar Jha, J)

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