

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23100 of 2025

Arising Out of PS. Case No.-839 Year-2024 Thana- MADHEPURA District- Madhepura

Manish Kumar S/O Sri Sahdev Yadav R/O Village- Mirchaibari, Ward No. 07,
P.S- Janki Nagar, Distt.- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Udit Priyam S/O Onkar Nath Vidyarthi Branch Manger, Uttar Bihar Gramin Bank, Branch Station Road, Madhepura, Distt.- Madhepura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate
For the State	:	Mr. Nirmal Kumar Sinha, APP
For the O.P. No. 2	:	Mr. Amitesh Jha, Advocate
		Mr. Prabhakar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-05-2025 Heard Mr. Sharda Nand Mishra, learned counsel for the petitioner as well as learned counsel for the informant and Mr. Nirmal Kumar Sinha, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Madhepura P.S. Case No. 839 of 2024, F.I.R. dated 24.07.2024 for the offences punishable under Sections 409 and 34 of the Indian Penal Code.

3. According to prosecution case, the petitioner defalcated Rs. 2,99,20,291.30/- by NEFT.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated



in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that from perusal of the F.I.R it appears that the date of occurrence in the F.I.R is 22.11.2019 but the present F.I.R. has been instituted on 24.07.2024 after delay of about five years. Although in the entire transaction the petitioner has no role at all but on instruction, learned counsel for the petitioner fairly submits that the petitioner is ready to return Rs.78,13,441.30/-(Rs. Seventy eight lakhs thirteen thousand four hundred and forty one and thirty paise) to the bank in question within a period of six months.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned Chief Judicial Magistrate, Madhepura in connection with Madhepura P.S. Case No. 839 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S., 2023 and with other following conditions:-



i. At the time of furnishing bail bond, the petitioner shall pay the 1/3rd amount i.e. Rs. 26,04,480.43/- (Rs. Twenty six lakhs four thousand four hundred and eighty and forty three paise) in favour of the bank in question.

ii. 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.

iii. 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.

iv. 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.

v. If the petitioner fails to pay the remaining amount, the Bank has opportunity to move before the appropriate forum/Court for cancellation of his bail bond.

(Rajesh Kumar Verma, J)

Jyoti Kumari/-

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