

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29697 of 2025

Arising Out of PS. Case No.-542 Year-2024 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Mahendra Paswan S/o- Sukhdeo Paswan Resident of Village- Mahmadpur
Patahi P S-Sadar DIstrict- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Akhilesh Kumar S/o- Sri Ram Aadhar Gupta Branch Manager, Union Bank
of India Akharaghat Road Branch Ps- Town Dist- Muzaffarpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Manoj, Adv.

For the Opposite Party/s : Mr. Bharat Lal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 03-09-2025 Heard Mr. Manoj Kumar Manoj, learned counsel for

the petitioner, Mrs. Sheela Sharma representing the Union Bank of

India and the State.

2. The petitioner apprehends his arrest in connection
with Town P.S. Case No. 542 of 2024 for the offence registered
under sections 406, 420, 467, 468, 120B/34 of the IPC.

3. As per the prosecution story, the complainant alleged
that the petitioner mortgaged four gold bangles and two gold
chains for getting a loan of Rs. 1,23,000/-. It was checked through
the empaneled goldsmith, Bhola Prasad and having found correct,
the loan amount was sanctioned. Later, as the petitioner failed to
return the amount, another empaneled goldsmith was summoned
to check the ornaments deposited by the petitioner when it came to
notice that these are not original gold ornaments, confirmed that
the bank has been duped, the FIR.



4. Learned counsel for the petitioner submits that it was the impaneled goldsmith who checked and whereafter, the loan was sanctioned. The petitioner could not pay the amount and as such, deposited item could have been used. However, he is ready to pay the amount to get rid of all these problems.

5. Mrs. Sheela Sharma representing the bank submits that Rs. 1,23,000/- has now become Rs. 2,20,000/- and so far as the empaneled goldsmith, Bhola Prasad is concerned, he is also an accused and has suffered.

6. Considering the submissions of the parties and in view of the fact that the petitioner is ready to pay the amount (Rs. 2,20,000/-), FIR is there, he shall be facing the music, in that background, this Court is inclined to grant him the anticipatory bail with conditions subject to payment of Rs. 2,20,000/-.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in connection with Town P.S. Case No. 542 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family



members/relatives of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8. Needless to add, the payment shall be subject to the final outcome of the cases that have been litigated between the parties.

(Rajiv Roy, J)

Vijay Singh/-

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