

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37316 of 2025

Arising Out of PS. Case No.-244 Year-2021 Thana- BANKA District- Banka

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Ram Tahal Ishwar @ Ramtahal Ishwar @ Ramtahal Ishwari S/o Devki Ishwar
R/o Mohadinagar, P.O.- Abhuday Ashram, P.S.- Amarpur, Distt.- Banka,
Bihar- 813101

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jay Karn, Advocate

For the Opposite Party/s : Mr.Renuka Ratnakar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Banka P.S. Case No. 244 of 2021, registered for the alleged offences under Sections 420, 408, 409, 120B of the Indian Penal Code.

3. As per prosecution case, co-accused son of the petitioner defalcated Rs.4,14,820/- and out of the said amount Rs.85,000/- was transferred to the account of the petitioner while the son of the petitioner had been working in the Postal Department.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case only on the ground that certain amount of defalcated money was transferred to his account by his son. But this amount has been returned to the Postal Department and petitioner has no role in defalcation of money by co-accused son. The co-accused son of the petitioner was dismissed from service by the department but subsequently by the orders of learned CAT, Patna Bench, he has been reinstated. Learned counsel further submits that the petitioner is not a public servant and no offence under Section 409 of the IPC is made out against him. Further, no offence under Section 420 or other sections of the IPC would be made out for the reason there was no overt act on part of the petitioner. The petitioner in custody since 09.03.2025 and charge sheet has been submitted. The petitioner is having clean antecedent.

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 nature of allegation and further considering the submission of charge sheet and period of custody, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount



each to the satisfaction of learned Chief Judicial Magistrate, Banka/concerned Court in connection with Banka P.S. Case No. 244 of 2021, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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