

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48066 of 2024

Arising Out of PS. Case No.-45 Year-2024 Thana- TEGHRHA District- Begusarai

Aman Kumar Son Of Ramprit Singh R/O Ward No.11, Village- Adharpur,
Nayanagar, P.S.- Teghra, Dist- Begusarai Presently Residing At- H.No.
A3338, Refinery Township, P.S.- Refinery P.S., Dist- Panipat(Hariyana)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh
For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 23-07-2025 Heard learned counsel for the petitioner, learned
Additional Public Prosecutor for the State and learned counsel
for the informant.

2. The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 406, 420 of
the Indian Penal Code.

3. The allegation in the first information report is that
the petitioner has embezzled a part of the amount of Rs.
40,00,000/- which he had secured as loan for the purposes of
construction of his house as upon inspection it was found that
only part construction of the house on the ground floor was
made and there was no construction on the first floor.

4. Learned counsel for the petitioner submits that it



would be apparent from the first information report itself that the loan amount has been rightly used in the purposes of construction of the house and it has further been submitted that the entire loan amount was utilized in the construction of the ground floor and thus, the construction of the first floor could not be done. Further, submission is that the petitioner has regularly been paying the EMI installments as fixed in the loan agreement. A supplementary affidavit has also been filed on behalf of the petitioner in order to bring on record the valuation report dated 03.07.2024 which would show that the valuation of the constructed house of the petitioner is to the tune of Rs. 39,49,646/- which is almost the amount which was secured as loan. The petitioner further submits that in such view of the matter, no criminal offence is made out against the petitioner and he is a government servant posted at the Indian Oil Corporation at Panipat and the bank has even resorted to the other alternative remedies.

5. Learned counsel for the informant i.e. the State Bank of India stands by the allegations made in the first information report emphasizing the fact that the loan amount has not been properly used in the construction of the house and hence, the first information report.



6. Considering the rival submissions and also taking into consideration the fact that the other remedies have already been resorted to by the State Bank of India and the petitioner is not a defaulter with regard to payment of his EMI installments, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Teghra P.S. Case No. 45 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S.

(Soni Shrivastava, J)

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