

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37252 of 2025

Arising Out of PS. Case No.-1278 Year-2024 Thana- PHULWARISHARIF District- Patna

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Vinay Kumar, S/O Late Janaki Prasad, R/O Village- Kurkuri, P.S.-
Phulwarisharif, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Uday Prasad, Advocate

For the Opposite Party/s : Mr.Vinod Shanker Modi, 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 Phulwarisharif P.S. Case No. 1278 of 2024, registered for the alleged offences under Sections 316 (5), 318 (4), 3 (5) of BNS, 2023.

3. As per prosecution case, the petitioner was one of the members of Kurkuri PACS and allegation against the petitioner and other co-accused persons is that they took cash credit of Rs.48,10,315/- from Patliputra Central Cooperative Bank Ltd., but did not return the money to the bank and, thus, defalcated the amount.

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



case. The petitioner was merely a member of PACS and co-accused Prem Chand Singh was the chairman and a settlement has taken place whereunder Rs. 10 lacs was deposited by the present chairman and it has been assured that rest amount will be deposited in four installments within four years. On the basis of this compromise, the co-accused chairman has been granted bail by a Coordinate Bench of this Court vide order dated 29.04.2025 passed in Cr. Misc. No.20983/2025. The learned counsel further submits that the petitioner did not misappropriate or defalcate any amount and he was only a member of PACS. The co-accused chairman and its manager Rupa Kumari had been managing the affair of PACS. The petitioner did not receive any money and did not distribute the same. The petitioner has no role in the alleged occurrence. The petitioner is in custody since 19.04.2025 and the 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 of the case and submissions made hereinabove and considering the vague nature of allegation against the petitioner and further considering the grant of bail to the co-accused chairman of



PACS and also considering the period of custody of the petitioner and his clean antecedent along with submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Patna/court concerned, in connection with Phulwarisharif P.S. Case No. 1278 of 2024, subject to the conditions mentioned in Section 480 (3) of BNSS 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 bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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