

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41141 of 2025

Arising Out of PS. Case No.-184 Year-2022 Thana- SHAMBHUGANJ District- Banka

Chandan Kumar Son of Late Shailendra Kumar R/O Village- Babutola, Ward
No. 7, P.S.- Banka, District Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 09-07-2025 Heard Mr. Ajay Mukherjee, learned counsel for the
petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Shambhuganj P.S. Case No. 184 of 2022 for the offence registered under Sections 406, 409, 420, 467, 468, 471, 120B of the IPC lodged on 17.07.2022 by the informant Mithilesh Kumar Jaiswal.

3. As per the prosecution story, the informant, the next Branch Manager of Bhagalpur Central Co-operative Bank Limited, Shambhuganj alleged that the earlier Branch Manager along with this petitioner who was serving as cashier, defalcated Rs.1,13,245/- from Migra Account during the period of 17.01.2013 to 06.06.2013. This led to the FIR.

4. Learned counsel for the petitioner submits that it was a discrepancy and not misappropriation, in any case, the



Branch Manager has deposited Rs. 1,13,245/- and has since been extended the privilege of anticipatory bail. His further submission is that without accepting the allegation and/or the outcome of the present petition, the petitioner also would like to deposit half of the amount i.e. Rs. 55,000/- approximately addressed to the Bhagalpur Central Co-operative Bank Limited, Shambhuganj.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that he along with the Branch Manager serving with the said Bank, misappropriated the money.

6. Allegation is there, the petitioner was serving at the relevant time in the Bank aforesaid, the Branch Manager has since been extended relief in Cr. Misc. No. 44329 of 2024 on 24.07.2024 by a co-ordinate Bench. This Court also follows the same rule and allowed the anticipatory bail of the petitioner subject to payment of Rs. 55,000/- approximately addressed to the Bhagalpur Central Co-operative Bank Limited, Shambhuganj.

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) with two sureties of the like amount



each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Shambhuganj P.S. Case No. 184 of 2022 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 is *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;

(iii) 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;

(iv) 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.

(Rajiv Roy, J)

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