

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46346 of 2024

Arising Out of PS. Case No.-77 Year-2024 Thana- DHAKA District- East Champaran

Mithun Kumar Yadav Son of Pravesh Yadav R/O Jaini Tola, P.S.- Bathwariya (Lauriya), Dist.- West Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Ajeet Kumar S/o Late Ramchandra Mishra R/v Damodarpur, P.O. and P.S.- Mehashi, Distt.- East Champaran. At present- Branch Manager, Sfurti Financial Limited Company, Dhaka, P.S.- Dhaka, Distt.- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bimlesh Kumar Pandey, Advocate
For the State	:	Mr.Ram Sumiran Rai, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

8 19-04-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Dhaka P.S. Case No.77 of 2024 registered for the offences punishable under Sections 420 and 409 of the Indian Penal Code.

3. The prosecution case, as disclosed in the First Information Report, is that the informant Ajit Kumar in the capacity of Branch Manager in Spandana Sphoorti Financial Limited, Dhaka, which is a financial company, had gone for the purpose of loan collection in the field on 31.12.2023 and upon going there it came to be found from the demand sheet of the collection that out of 11 groups of Mahila customers only collection of five groups of Mahila customers has been made



whereas with regard to the remaining six groups the collection was not done. However, in the second part of the FIR, it has been stated that on 19.01.2024 the collection of the rest six groups of Mahila customers was also made by the present petitioner Mithun Kumar Yadav. It has been further alleged in the FIR that on a further process of enquiry, it surfaced that 26 other groups of Mahila customers had been sanctioned loan in a wrongful manner. The liability of this wrongful sanction of loan has been generally fixed on the present petitioner and co-accused Imran Ansari and Rahul Kumar Singh.

4. It is submitted by learned counsel for the petitioner that a bare perusal of the FIR would itself go to show that the initial allegation against the petitioner does not remain as so far as the eleven female groups were concerned, the collection had already been made. So far as the 27 other groups are concerned, there is a general allegation not only on the petitioner but also on two other accused persons and it is difficult to fix the liability or responsibility on one person.

5. It has further been submitted on behalf of the petitioner that the petitioner was merely a collection agent and was not a loan sanctioning authority and rather it was the Branch Manager who had sanctioned and advanced the loans to the respective customers and only in a bid to save their own skin



wrong liability is being fixed on the petitioner. Further it also appears that the petitioner is a student of graduation who has already tendered his resignation on 23.12.2023.

6. Learned APP for the State has opposed the the prayer for anticipatory bail of the petitioner.

7. Taking into consideration all the abovementioned facts and circumstances of the case and also considering that the petitioner has no criminal antecedent, I am inclined to extend the privilege of anticipatory bail to the petitioner. Let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, 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 S.D.J.M., Dhaka, East Champaran in connection with Dhaka P.S. Case No.77 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. and subject to the further condition that the petitioner shall cooperate in the investigation/trial.

(Soni Shrivastava, J)

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