

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51449 of 2025

Arising Out of PS. Case No.-419 Year-2024 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Bhola Prasad S/o Late Basudev Prasad R/o Village- Madhuvan, P.O.-
Kalwari, P.S.- Kanti, District- Muzaffarpur. Petitioner/s
Versus

1. The State of Bihar.
2. Akhilesh Kumar, The Branch Manager Union Bank of India, Akharaghat
Road Branch, P.S.- Town District- Muzaffarpur.
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Uday Prakash Sharma, Advocate
For the Opposite Party/s : Dr. Indivar Kumari, APP
For the Informant : Mr. Shivendra Kumar Roy, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 15-11-2025 Heard learned counsel appearing on behalf of the

petitioner, learned APP appearing on behalf of the State and

learned counsel appearing on behalf of the informant.

2. The petitioner seeks bail in connection with Town
P.S. Case No. 419/2024, registered for the offence under
Sections 420, 467, 468, 34, 120B of the Indian Penal Code.

3. The accused/petitioner is named in the F.I.R. and
is in custody since 11.04.2025.

4. The present FIR is founded upon the complaint
case no. 503 of 2024 which was lodged by Union Bank of
India, Muzaffarpur branch, through which it is alleged that the
petitioner who is the empanelled valuer of the bank wrongly



assessed the purity of the gold, which was produced by the co-accused Ram Kumar to obtain loan of Rs. 1,44,000/-. It is also alleged through complaint that aforesaid loan was used for personal use.

5. Learned counsel appearing on behalf of the petitioner submitted that admittedly this petitioner was empanelled with complainant's bank for valuation of the gold. It is submitted that the allegation is of conspiracy with co-accused Ram Kumar, who was sanctioned loan by the bank. It is pointed out that nothing transpired during the course of investigation, which may suggest that this petitioner is beneficiary out of conspiracy as alleged. While concluding argument, it is submitted that investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Explaining criminal antecedents of the petitioner, it is submitted that petitioner found involved in 25 cases with the same informant more or less having similar allegation and out of same, the petitioner is on bail in 22 cases. It is



submitted that if merit of the case is otherwise convincing in favour of the petitioner merely on the basis of criminal antecedents, the prayer of bail ordinarily should not be declined. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court available through ***Prabhakar Tewari Vs. State of Uttar Pradesh and Another*** reported in ***(2020) 11 SCC 648***.

7. Learned APP duly assisted by learned counsel Mr. Shivendra Kumar Roy, appearing on behalf of the informant, while opposing the prayer of bail submitted that the accused/petitioner alleged to work under conspiracy with main co-accused adopting *modus operandi* by approving the spurious gold fit to obtain loan which makes huge financial loss to bank.

8. Considering the aforesaid factual submissions and by taking note of fact as *prima facie* during investigation nothing surfaced to suggest that this petitioner received any benefit out of loan sanctioned by the bank, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 11.04.2025



accordingly, petitioner above named, is directed to be released on bail in connection with Town P.S. Case No. 419/2024, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge, Muzaffarpur/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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