

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2518 of 2025

Arising Out of PS. Case No.-239 Year-2024 Thana- SHEKHPURA District- Sheikhpura

The Deputy Zonal Manager, Indian Bank, Zonal Office, Gaya through Shri Uttam Kumar Sinha, Son of Late Radha Krishna Prasad, R/o Mohalla- Ram Bazar, P.O. and P.S.- Katrasgarh, District- Dhanbad, Jharkhand

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Deptt. of Home, Govt. of Bihar, Patna Bihar
2. The SHO, Sheikhpura, Police Station Sheikhpura, Dist.- Sheikhpura Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Sinha, Senior Advocate Mr. Arit Kumar Sinha, Advocate Ms. Dilkash Khan, Advocate
For the Respondent/s	:	Mr. Gyan Prakash Ojha, GA-7 Mr. Abhishek Singh, AC to GA-7

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 16-10-2025

Heard learned senior counsel appearing on behalf the petitioner and learned counsel appearing on behalf of the State.

2. The instant writ petition has been filed seeking following relief (s) :

“For issuance of appropriate writ/order/direction for modification of order dated 01.10.2024 passed in Sheikhpura P.S. Case No. 239/2024 pending in the court of Chief Judicial Magistrate, Sheikhpura by which the learned Court below has allowed the petition of informant-petitioner dated 24.06.2024 for release of seized gold/gold like articles mentioned in seizure



list dated 01.06.2024 and 02.06.2024 in favour of the informant an execution of Indemnity bond of 2 crores with two sureties of like amount to the extent of furnishing two sureties in addition of Indemnity bond and allow the release of seized gold/gold like article and on furnishing Indemnity bond only and/or for issuance of appropriate writ/order/direction which the petitioner in the facts and circumstances of this case be found entitled to”.

3. The learned senior counsel appearing on behalf of the petitioner submits that the petitioner is the Deputy Zonal Manager of Indian Bank, Zonal Office, Gaya and the said bank is a public sector bank. The learned senior counsel further submits that the certain quantity of gold was pledged before the bank and loans were extended to a number of customers. Subsequently, the fact came to the notice that there has been theft of gold so pledged with the involvement of certain staff of the branch concerned. Thereafter, the FIR bearing Sheikhpura P.S. Case No. 239/2024 dated 31.05.2024 under Sections 379, 406, 409, 420, 201 and 120(B) of the Indian Penal Code was lodged. During investigation, police recovered the stolen gold. Subsequently, the customers came before the bank for redeeming the gold. Thereafter, the bank moved before the court concerned for release of the gold. But the court concerned has



put onerous condition for release of gold in violation of the directions of the Hon'ble Supreme Court in the cases of ***Sunderbhai Ambalal Desai vs. State of Gujarat, (2002) 10 SCC 283, Sunderbhai Ambalal Desai vs. State of Gujarat, (2002) 10 SCC 290 & General Insurance Council vs. State of A.P., (2010) 6 SCC 768.***

4. The learned senior counsel further submits that the learned trial court did not take into consideration the fact that the bank is a public sector bank and the gold which has been stolen was pledged by the customers for getting the loans and now if the customers want their gold to be returned, the bank would not be able to return the same. The learned senior counsel further submits that there is no objection from the side of prosecution in returning the gold to the bank. The learned senior counsel further submits that the bank is ready to provide indemnity bond of Rs.2 crores, but the learned trial court has been insisting upon furnishing two sureties of like amount in addition to furnishing indemnity bond. But, this order is contrary to the aforesaid decisions of the Hon'ble Supreme Court in the case of ***Sunderbhai Ambalal Desai*** (supra) & ***General Insurance Council*** (supra). The learned senior counsel further submits that the bank is a corporate body and asking it to



furnish personal surety would frustrate the whole purpose.

5. The learned senior counsel further submits that an application has been filed on 27.11.2024 for modification of the order dated 01.10.2024, but the said application has not been disposed of by the learned trial court till date.

6. The learned senior counsel, thus, confines his only prayer for disposal of the application dated 27.11.2024 pending before the learned trial court seeking modification in the release order of the stolen gold, within the stipulated time period.

7. The learned counsel appearing on behalf of the State-respondents has no objection to such prayer of the petitioner.

8. Since the petitioner has limited his prayer only for disposal of his application dated 27.11.2024 seeking modification in the release order dated 01.10.2024, this Court thinks it fit and proper to direct the learned trial court to proceed in the matter showing urgency considering the submission made on behalf of the petitioner.

9. Therefore, the learned trial court is directed to dispose of the aforesaid application dated 27.11.2024 within four weeks from the date of receipt/production of a copy of this order in the light of new provisions contained in Section 497 of



BNSS as well as law settled by the Hon’ble Supreme Court in the case of *Sunderbhai Ambelal Desai* (supra) & *General Insurance Council* (supra).

10. With the aforesaid observations/directions, the instant writ petition stands disposed of.

(Arun Kumar Jha, J)

V.K.Pandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.10.2025
Transmission Date	17.10.2025

