

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71168 of 2024

Arising Out of PS. Case No.-6 Year-2024 Thana- Baliya District- Purnia

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1. Aditya Kumar @ Ritesh Kumar S/o- Shambhu Kuwar Resident of Village- Baliya PS- Baliya Dist- Purnia
 2. Dilwar Kumar @ Dilkush Kumar @ Dilkhus Kumar @ Diwan Kumar Son of Shambhu Kuwar Resident of Village- Baliya PS- Baliya Dist- Purnia
- Petitioners.

Versus

1. The State of Bihar
2. The Managing Director, Jana Small Finance Bank Ltd. Office Add- The Fairway Business Park, 1st Floor, Survey No. 10/1, 11/2, 12/2B, off. Domlur, Koramangala, Inner Ring Road, Next to EGL Business Park, Challaghatta, Bengaluru 560071 Phone- 080-46020100

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Rishup, Advocate
For the O.P. No.2	:	Mr. Prabhakar Nath Rai, Advocate
		Ms. Somya Roshan, Advocate
For the State	:	Mr. Shahabuddin Azeem @ S. Azeem, APP
For the Informant	:	Mr. Amrendra Nath Verma, Advocate
		Mr. Rajesh Kumar Chaudhary, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

8 16-07-2025 Heard learned counsel for the petitioners, learned counsel for the opposite party no.2 and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 406, 403, 420, 467 and 468/34 of the Indian Penal Code.

3. The case of the prosecution is that a Micro Business correspondent MBC Aditya Kumar alias Ritesh Kumar (petitioner no.1) was acting as a Micro Business agent through



Atyati Technology Private Limited for providing group loans to poor rural women and collects monthly installments from them and deposits the same in their loan accounts. The allegation is that petitioner no.1, instead of collecting the monthly installments of the loan from the rural women and depositing the same in their loan accounts, embezzled the money and fled away. He has been assisted by his brother petitioner no.2.

4. It is submitted by learned counsel for the petitioners that so far as petitioner no.2 is concerned, he has nothing to do with the same as he has neither collected the money nor deposited the same. It is further submitted that the present case is purely of civil nature for which criminal prosecution has been launched. Upon perusal of the materials collected during course of investigation, it would appear that the installments of loans were paid on time and the same have also been deposited which would be evident from the loan cards, which are part of the case diary and are available on record. Therefore, there is no grievance left either at the end of the loanee or at the end of Jana Small Finance Bank. Further, according to an agreement between the petitioners and the Company and, in particular, Clause 9.2 and 9.3 thereof, in case of any misappropriation by the Bank Mitra which affects the image of the Company and/or



the Bank and/or other providers, the quantum of compensation shall be solely at the discretion of the Company. With regard to jurisdictional issue, it has been clearly stated in clause 15.1 that in the event of any dispute parties would submit to the exclusive jurisdiction of the Courts of Bengaluru.

5. Learned counsel for the opposite party no.2 and learned APP for the State opposed the prayer for bail.

6. Taking into consideration the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Baliya P.S. Case No.06 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Soni Shrivastava, J)

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