

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66365 of 2025

Arising Out of PS. Case No.-544 Year-2024 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Pankaj Kumar Son of Dayanand Prasad R/o Village - Balughat, Akharaghat
Road, P.S. - Nagar and Dist. - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rama Nand Poddar, Advocate
For the Opposite Party/s : Mr.Rajiv Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-09-2025 Heard the parties.

2. The petitioner is apprehending arrest in connection with Nagar P.S. Case No. 544 of 2024 instituted under Sections 406, 420, 467, 468, 471, 120(B) and 34 of the Indian Penal Code lodged on 05.09.2024 by the informant, Akhilesh Kumar.

3. As per the prosecution story, the informant alleged that the petitioner approached the Union Bank of India (now Andhra Bank) for loan of Rs. 2,40,000/- and provided some gold ornaments duly verified by the impaneled goldsmith, Bhola Prasad (co-accused) but later, the loan was not repaid and the gold ornaments were checked, the same were found to be fake/impure. This led to the FIR both against the impaneled goldsmith as also the petitioner.



4. Learned counsel for the petitioner submits that he submitted the original gold ornaments, however, under what circumstances, it got changed, do not know. However, he is ready to pay Rs. 2,40,000/- but due to economic crisis, the same be allowed to be paid in three instalments inasmuch as;

(i) Rs. 1,20,000/- at the time of execution of bail bond;

(ii) Rs.60,000/- each (totalling Rs.1,20,000/-) by 10th of November, 2025 and 10th of December, 2025;

(iii) failure to do so, the Bank shall be free to take steps for cancellation of the bail bond.

5. Once he pays the entire amount, the Bank be directed to allow him to go through the gold ornaments to see for himself whether it is pure or impure.

5. Learned APP opposes the prayer submitting that on the basis of fake/impure gold ornaments, the loan was taken and never repaid.

6. Though, allegation is there, the petitioner do not have criminal antecedent as per para-3, is ready to repay the amount of Rs. 2,40,000/- in favour of the Branch Manager,



Union Bank of India, Akharghat Road, Muzaffarpur (earlier Andhra Bank) through Demand Draft issued by the local branch of the State Bank of India to be paid to the concerned Branch Manager after checking the credentials, in that background, this Court is inclined to extend him the privilege of anticipatory bail.

8. Let the petitioner be released on bail, in the event of his arrest or surrender before the concerned court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Nagar P.S. Case No. 544 of 2024 to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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 co-operate in the investigation and make himself available to the police as and when required;



(iv) 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;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

9. Once the entire amount is paid by 10th of December, 2025, as stated above, the petitioner shall be visiting the Bank alongwith the order and the Bank officials shall be duty bound to let him to go through the gold ornaments in the Bank itself in his presence for his satisfaction.

(Rajiv Roy, J)

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