

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67580 of 2025

Arising Out of PS. Case No.-128 Year-2025 Thana- DARBHANGA District- Darbhanga

Jitendra Kumar Upadhyay S/o Nagendra Upadhyay R/o - B/7/40, Postal Colony, P.S - L.N.M.U. Campur, District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Karan, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-10-2025 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 316(2), 316(5), 318(4) and 3(5) of the BNS.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that accused persons withdrew an amount of Rs.12,81,174/- from the PPF account of Krishnanand Jha in between 30.07.2021 and 06.08.2021, when Krishnanand Jha had died on 07.03.2014. Further, the withdrawn money was deposited in a fake Saving Bank Account and withdrawal slip was also found fake and the money was withdrawn from the ID of the petitioner and Dinesh Kumar.

4. Learned counsel appearing on behalf of the



petitioner submits that petitioner, at the relevant time, was posted as Counter Assistant, Darbhanga. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant alleges that from the ID of the petitioner, twice money was withdrawn from the fake account which was created in the name of Krishnanand Jha. It is next submitted that no prudent person would use his own ID for committing an occurrence and thus would create evidence against himself. It is also submitted that petitioner was completely unaware that his ID has been misused for committing the occurrence and four years after the occurrence, the petitioner was directed by the superior authority to deposit an amount of Rs.4,74,947/- and the petitioner, in compliance of the same, deposited the amount of Rs.4,74,947/-. It is also submitted that petitioner has been subjected to departmental proceeding and charge memo has been served. It is next submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the



event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/Successor Court in connection with Darbhanga Town P.S. Case No. 128 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

7. However, if the investigating officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this Court is not cooperating in the investigation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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