

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73873 of 2025

Arising Out of PS. Case No.-6 Year-2019 Thana- AGIAON District- Bhojpur

Shiv Shankar Kumar S/O Baijnath Rai R/O vill - Khanet, P.S -
Grahani, Bhojpur, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Branch Manager, State Bank of India, Code No.- 11806, Grahani Branch, Bhojpur-802203 Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Piyush Kumar Pandey, Advocate
For the State	:	Mr. Anant Kumar 1, APP
For the S.B.I.	:	Mr. Anjani Kumar Mishra, Advocate Mr. Sanjeev Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-11-2025 Heard Mr. Piyush Kumar Pandey, learned counsel for the petitioner, Mr. Anant Kumar 1, learned Additional Public Prosecutor for the State and Mr. Anjani Kumar Mishra, learned counsel for the State Bank of India.

2. The petitioner is apprehending his arrest in connection with Agiaon P.S. Case No. 6 of 2019, F.I.R. dated 05.01.2019 for the offences punishable under Sections 406, 420, 467 and 468 of the Bhartiya Nyaya Sanhita, 2023.

3. As per the prosecution case, three cheques (numbers 761129, 761130, and 761128) were put into the petitioner's bank account. Then a person named Rama Kant Rai took out this money using ATMs and other ways. A person named Anju



Goenka complained that money was taken from their account without permission. The State Bank of India branch in Grahni, Bhojpur looked into this complaint. It is alleged that the petitioner had put the said money into his own account and based on bank branch manager's statement, police filed a case (FIR) against Rama Kant Ray.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the FIR are false and fabricated and the petitioner has not committed any offence. As per allegation the petitioner and other co-accused person Rama Kant Ray have withdrawn altogether Rs. 2,26,000/- (Rs. Two lakh twenty six thousand) from the account of Anju Goenka on 10.09.2018 and 14.09.2018 respectively. Learned counsel for the petitioner submits that the petitioner has come and deposited the money amounting to Rs. 2,26,000/- (Rs. Two lakh twenty six thousand) in the account of Anju Goenka. A show-cause has been filed on behalf of the State Bank of India in which in Paragraph '11' the Bank has stated that the petitioner has refunded the amount in question into the account of Anju Goenka after lodging the present FIR.

5. The learned counsel for the Bank and learned



Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, petitioner has clean antecedent and he has deposited the amount in question, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M, Ara at Bhojpur in connection with Agiaon P.S. Case No. 6 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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