

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77048 of 2024

Arising Out of PS. Case No.-357 Year-2023 Thana- LAXMIPUR District- Jamui

Lalan Kumar Paswan S/o- Ram Kishun Paswan Resident of Village- Terukha,
P.S.- Sono, District- Jamui

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Assistant Branch manager Indian Bank, Jamui Ex- Branch Manager,
Gidnor, Jamui

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 82671 of 2024

Arising Out of PS. Case No.-357 Year-2023 Thana- LAXMIPUR District- Jamui

1. Ram Kishun Paswan Son of Bundi Paswan Resident of Village - Terukha,
P.S. - Sono, Jamui
2. Dilip Paswan Son of Bodhi Paswan @ Bhaddi Paswan Resident of Village -
Terukha, P.S. - Sono, Jamui
3. Narendra Kumar Son of Nand Kishore Paswan Resident of Village -
Terukha, P.S. - Sono, Jamui
4. Mohan Paswan Son of Lakhan Paswan Resident of Village - Terukha, P.S. -
Sono, Jamui
5. Chandan Paswan Son of Triloki Paswan Resident of Village - Gongapura,
P.S. - Jhajha, Jamui

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Branch Manager, Indian Bank, Jamui Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 28740 of 2025

Arising Out of PS. Case No.-357 Year-2023 Thana- LAXMIPUR District- Jamui

1. Tripurari Paswan S/O Sitaram Paswan Resident of Village- Terukha, P.O-
Sono, P.S- Sono, District- Jamui, Bihar.
2. Jitendra Paswan S/O Shankar Paswan Resident of Village- Terukha, P.O-
Sono, P.S- Sono, District- Jamui, Bihar.



- 3. Vikash Yadav @ Bikash Yadav @ Bikash Kumar S/O Prasadi Yadav Resident of Village- Terukha, P.O- Sono, P.S- Sono, District- Jamui, Bihar.
- 4. Anil Paswan S/O Late Sukhdev Paswan R/O Kesofarka, P.O- Sono, P.S- Sono, Distt.- Jamui, Bihar.

... .. Petitioner/s

Versus

- 1. The State of Bihar Bihar
- 2. The Branch Manager, Indian Bank, Jamui. Bihar

... .. Opposite Party/s

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 77048 of 2024)

For the Petitioner/s : Mr.Ajit Kumar, Adv.
Mr. Abhishek Mani, Adv.
For the Opposite Party/s : Mr.Ajit Kumar Singh, Adv.
Ms. Minu Kumari, Adv.
Ms. Dilkash Khan, Adv.
Ms. Zeba Akhtar, Adv.
Mr. Pravin Kumar, Adv.

For the State : Mr. Raj Kishor Singh, APP
(In CRIMINAL MISCELLANEOUS No. 82671 of 2024)

For the Petitioner/s : Mr.Ajit Kumar
For the Opposite Party/s : Mr.Ajit Kumar Singh, Adv.
Ms. Minu Kumari, Adv.
Ms. Dilkash Khan, Adv.
Ms. Zeba Akhtar, Adv.
Mr. Pravin Kumar, Adv.

For the State : Mr.Tapeshwar Sharma, APP
(In CRIMINAL MISCELLANEOUS No. 28740 of 2025)

For the Petitioner/s : Mr.Ajit Kumar, Adv.
Mr. Abhishek Mani, Adv.
Ms. Gayatri Shahi, Adv.
Mr. Abhay Kumar, Adv.
For the Opposite Party/s : Mr. Nishi Nath Ojha, Adv.
Mr. S.K. Sharma, Adv.
For the State : Mr.Madhura Nand Jha, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

11 19-09-2025 Heard learned counsel for the petitioners, learned
counsel for the opposite parties and learned Additional Public
Prosecutor for the State.

2. The petitioners are apprehending their arrest in



connection with Laxmipur (Gidhaur) P.S. Case No. 357 of 2023 dated 01.08.2023 registered for the offences punishable u/ss 406 and 420 read with Section 34 of the Indian Penal Code.

3. As per prosecution case, the petitioners and the co-accused persons are alleged to have committed fraud, cheating in connivance with one other and caused loss of Rs. 97,90,529.00 /- to the Gidhaur Branch of Indian Bank and the said amount of loan was not returned.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. It is further submitted that all the petitioners are loanees from Indian Bank, Gidhaur Branch, Jamui for the purpose of starting poultry feed unit under sole banking arrangement. Learned counsel has further submitted that after sanctioning of the loan, the loan amount was deposited in the respective loan accounts of the loanees including the petitioners, the details of the account number etc. are also mentioned in the body of the F.I.R. It is further submitted that all the loanees including the petitioners not only made Online and Offline transactions but also paid interest on the loan amount and at least six to eight installments were deposited in the loan account in lieu of interest on the sanctioned loan amount and in view of the facts stated above allegation of fraud and that the petitioners are also defaulters are



far from the truth. It is further submitted that the petitioners are in business relationship with the firm namely M/s Lalan Poultry Firm and the co-accused, Lalan Kumar Paswan is the proprietor of the firm however, the same could not be a reason for declaring the petitioners as fraud and declared his asset as NPA and hence, their implication in the present case is concocted story. It is further submitted that the petitioners have no concern with the alleged offence. Learned counsel for the petitioner placed reliance on the judgment of **Bimla Tiwari Vs. State of Bihar and others (Special Leave Petition (CRL.) Nos. 834-835 of 2023)** at para 10, the Hon'ble Apex Court has held that “ *we would reiterate that the process of criminal law cannot be utilized for arm-twisting and money recovery, particularly while opposing the prayer for bail.* ” The co-accused person has already been granted regular bail by this court vide order dated 25.02.2025 passed in Cr. Misc. No. 11399/2025. The petitioner has no criminal antecedent in Cr. Misc. No. 77048/2024 as stated in para 3 of the bail petition. The petitioner no. 5 has two criminal antecedents whereas the petitioner nos. 3 and 4 have one criminal antecedent as stated in para nos. 4 and 5 of the supplementary affidavit filed on behalf of the petitioners in Cr. Misc. No. 82671/2024. The petitioners have clean antecedent as stated in para 3 of the bail petition in Cr. Misc. No. 28740/2025.



5 . Learned APP for the State and learned counsel for the opposite parties have vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioners, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned court concerned, Jamui in connection with Laxmipur P.S. Case No. 357 of 2023, subject to conditions as laid down under Section 482(2) of the B.N.S.S. with further conditions :-

(i) One of the bailors shall be a close relative of the petitioners who shall give genealogy as to how he is related to the petitioners.

(ii) The petitioners are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to be



cancelled.

*(iii) The petitioners are directed to
cooperate in the trial before the learned
court below.*

7. The application stands allowed.

(Chandra Prakash Singh, J)

Gautam/-

U		T	
---	--	---	--

