

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82511 of 2024

Arising Out of PS. Case No.-251 Year-2015 Thana- RAXAUL District- East Champaran

Vikash Kumar S/o- Shankar Prasad Resident of Village- Ramjanki mandir
road Raxaul P.S.- Raxaul District-East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ramesh Kumar S/o- Awadh Bihari Singh Moh- Satyendra Nagar, Road No-1, P.S.- Aurangabad Dist- Aurangabad P/a- Senior Manager Central Bank of India Raxaul

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate Mr. Hemant Ray, Advocate Mr. Sharad Kr. Verma, Advocate Mr. Sagar Kr., Advocate
For the O.P. No.1	:	Mr. Navin Kumar Pandey, A.P.P.
For the Informant/O.P. No.2 :		Mr. Nishi Nath Ojha, Advocate

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

7 16-06-2025 Heard the learned counsel for the petitioner, the learned counsel for the Informant and the learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with Raxaul P.S. Case No. 251 of 2015, G.R. No. 942 of 2015 registered for the offences punishable under Section 467, 471, 353 and 506 of the Indian Penal Code. Petitioner has clean antecedent.

3. As per the prosecution case, the petitioner is alleged to have procured an amount of Rs. 27,720 as per the quotation submitted by him. It has further been alleged that the petitioner had further submitted quotations of Rs. 1,77,000/-,



however, the same was verified and it has been found that the petitioner had prepared a forged quotation for procuring the said loan. It has finally been submitted in the FIR that the petitioner had prepared the forged documents in order to cheat the bank and procured cash credit/loan.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the present case has been lodged showing a defalcation of Rs. 27,720/- as per the quotation submitted which was released in favour of the petitioner. The learned counsel further submits that the petitioner has already deposited the said amount in the bank and there is no further charge of any misappropriation of funds. The learned counsel next submits that the subsequent demand of the bank which has been brought through the counter affidavit is open to be recovered through the process under SURFAESI Act or otherwise. It has lastly been submitted that the petitioner is in custody since 27.08.2024 and carries clean antecedent.

5. The learned counsel for the Informant Opposite Party No. 2 has vehemently opposed the prayer for bail and has stated that the petitioner had prepared forged document in order to procure loan from the bank and thus has tried to



misappropriate public fund. It has also been submitted by the learned counsel for the O.P. No.2 that the petitioner has a total amount of Rs. 6 lakh and odd due with the bank and as such he does not deserve the liberty of bail.

6. Considering the aforesaid submissions made by the parties and taking into account that the misappropriated amount of Rs. 27,720 has already been deposited by the petitioner and also taking into account the period of custody, I am inclined to grant the petitioner privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioner, above named, 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 court of learned Sub-Divisional Judicial Magistrate, Raxaul at Motihari, East Champaran, in connection with Raxaul P.S. Case No. 251 of 2015, G.R. No. 942 of 2015, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative and the other shall be local resident.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.



(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned 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 bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Sourendra Pandey, J)

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