

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88326 of 2024

Arising Out of PS. Case No.-839 Year-2024 Thana- MADHEPURA District- Madhepura

Bilash Yadav @ Bilash Kumar S/O- Baijnath Prasad Yadav Village- Sahugarh
Bhatu Tola W.No-7, Ps Dist- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sri Udit Priyam S/o- Onkar Nath Vidyarthi Branch Manager North Bihar
Gramin Bank Station Road, Madhepura Dist- Madhepura

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate
	:	Mr. Dhandev Kumar, Advcoate
	:	Mr. Atul Kumar, Advocate
For the State	:	Mr. Pranav Kumar, APP
For the Bank	:	Mr. Amitesh Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 14-05-2025 Heard Mr. Sharda Nand Mishra, learned counsel for the petitioner and Mr. Amitesh Jha, learned counsel representing the North Bihar Gramin Bank (henceforth for short 'the Bank') as also learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Madhepura P.S. Case No. 839 of 2024 for the offence under Sections 409 and 34 of the Indian Penal Code, lodged on 24.07.2024 by the informant, Udit Priyam.

3. As per the prosecution story, the informant who is the Branch Manager, North Bihar Gramin Bank, Madhepura alleged that it was found that one government account no. 1008161010001494, Rs.2,99,20,291.30/- was transferred by way of NEFT and upon inquiry, it was found that cheques no.



684641 to 684660 were issued and it was only when the District Program Officer (Establishment), Madhepura demanded the statement of account, it was unearthed that the same was not issued from his office. This led to the F.I.R.

4. Subsequently, the wheel of investigation rolled on and the accused persons name cropped in, the petitioner included.

5. Learned counsel for the petitioner submits that a perusal of the F.I.R. would show that he is not named in the F.I.R. rather the name of Deepak Kumar, Manish Kumar, Vikas Kumar and Dhiraj Kumar have come between whom, the alleged transaction took place. He further submits that the role of the petitioner has come due to embezzlement of Rs.1,70,000/- as per the present investigation and he intends to repay 'the Bank' the said amount and undertakes to cooperate in the investigation and sit with 'the Bank'. Further, if any other financial transaction is alleged against him, he shall try to look into the matter and repay the same too.

6. Learned counsel representing 'the Bank' though opposes the prayer for bail submits that since the petitioner undertakes to make the payment of Rs.1,70,000/- to 'the Bank' and in case, his further role comes, is ready to look into the



matter and try to pay it back, in that background, an appropriate order be passed.

7. Though the allegation is there against this petitioner, embezzlement has taken place, in view of the fact that he has no criminal antecedent, is ready to pay Rs.1,70,000/- by way of Demand Draft issued by the local Branch of State Bank of India in favour of the Branch Manager, North Bihar Gramin Bank, Madhepura and has further undertaken that if any further amount comes against him, he shall try to repay the same, in that background, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs.1,70,000/- by way of Demand Draft issued by the local Branch of State Bank of India in favour of the Branch Manager, North Bihar Gramin Bank, Madhepura and the receipt has to be submitted before the Trial Court.

8. Let the petitioner be released on bail in the event of arrest or surrender 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 like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura, in connection with Madhepura P.S. Case No. 839 of 2024 subject to the conditions as laid down under Section 438(2) of



the Cr.P.C., as also with the following 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/her bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(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 bail bonds.

(Rajiv Roy, J)

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