IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2427 of 2026

Arising Out of PS. Case No.-171 Year-2024 Thana- MUSAHARI District- Muzaffarpur

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Manoj Kumar S/o Satyanarayan Bhagat R/o Village- Madhuwan, P.S.- Kanti, District- Muzaffarpur

... ... Petitioner/s

Versus

1. The State of Bihar
2. Union Bank of India, Rohua Branch, Rohua, Distt.- Muzaffarpur Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Yugal Kishore, Adv.
	:	Mr. Sanjeev Kumar, Adv.
For the Opposite Party/s	:	Mr. Ramchandra Sahni, App.
For the Informant	:	Mr. Nishi Nath Ojha, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 28-01-2026 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Mushahari Police Station Case No. 171 of 2024, disclosing offences under Sections 406, 420, 467, 468, 34, 120B of the Indian Penal Code.

3. As per the FIR lodged by the Branch Manager, Union Bank of India, Rohua branch, it has been alleged that the petitioner took loan of Rs. 2,18,000/- in the year 2017 and did not repay the loan amount. When the quality of the gold deposited by the petitioner was verified, it was found that duplicate gold was given by the petitioner as security.

4. Learned counsel for the petitioner submits that the petitioner has committed no offence in the manner alleged and he has falsely been implicated in this case at the behest of the bank and its officials. The petitioner was a bona fide customer and he approached the bank for grant of gold loan. The gold deposited by the petitioner was duly verified by the valuer of the bank and thereafter, the bank sanctioned the loan of Rs. 2,18,000/- in April 2017. The gold was in the custody of the bank and after a lapse of seven years, it has been claimed by the bank that when the gold was revalued/verified by another valuer, it was found that the petitioner had deposited the duplicate gold which was not pure and thereby has committed criminal breach of trust.

5. Learned counsel further submits that the petitioner had given original gold and the gold was verified/valued by the valuer of the bank and the petitioner had no role to play in the valuation of the gold at the time of sanction of the loan against gold. The gold ornaments were in the custody of the bank and the bank cannot take this plea after a lapse of seven years that the gold deposited by the petitioner was not pure.

6. On the other hand, learned counsel for the bank

opposes the prayer for anticipatory bail and submits that at the time of grant of loan, the petitioner had deposited the duplicate gold. The valuer of the gold who verified and tested the gold deposited by the petitioner, namely Bhola Prasad, has been made accused in this case and his anticipatory and regular bail application has been rejected by a Co-ordinate Bench of this Court.

7. He further submits that in cases lodged by the Bank of Baroda having the similar allegation, a Co-ordinate Bench of this Court granted anticipatory bail to the accused persons with the condition that the petitioner shall repay the loan amount with interest and get NOC from the bank.

8. I have heard learned counsel for the parties and have gone through the materials available on record, including the orders passed in Cr. Misc. No. 22308 of 2025 and Cr. Misc. No. 20836 of 2025 by a Co-ordinate Bench of this Court in the case lodged by Bank of Baroda in which anticipatory bail has been granted upon repayment of the loan amount.

9. From perusal of the FIR-cum-Complaint, it appears that at the time of grant of gold loan, the petitioner had deposited the gold/jewellery which was duly verified by the bank in 2017 through the empaneled valuer. It is not disputed

that the gold remained in the custody of the bank for the last seven years. It is also not disputed that the petitioner did not repay the loan amount. The bank in the circumstances has the authority to sell the gold kept as security. However, the case of the bank is that subsequently the bank came to know after seven years that the gold deposited by the petitioner as security was impure and fake.

10. From the orders relied upon by the learned counsel for the bank of a Co-ordinate Bench of this Court in a case of Bank of Baroda, it appears that the petitioner in that case himself/herself submitted that the petitioner was ready to repay the whole loan amount. This is not the case.

11. Considering the aforesaid discussion and the fact that the petitioner deposited gold at the time of grant of loan which was duly verified by the valuer of the bank and the gold deposited as security by the petitioner remained in the custody of the bank for seven years, I am inclined to grant the petitioner privilege of anticipatory bail.

12. This application is, accordingly, allowed.

13. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, 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 learned Court of Court No. 12, Judicial Magistrate, 1^{st} Class, Muzaffarpur East , in connection with Mushahari Police Station Case No. 171 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 2023.

(Anil Kumar Sinha, J)

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