

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52028 of 2025

Arising Out of PS. Case No.-244 Year-2021 Thana- BANKA District- Banka

Balram Kumar S/o Ramtahal Ishwar R/o- Mohadinagar, P.O.- Abhuday
Ashram, P.S.- Amarpur, Dist- Banka, Bihar, 813101

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jay Karn, Advocate Mr. Parijat Karan, Advocate Mr. Masoom Raza, Advocate Mr. Aman Kumar, Advocate Mr. Aman Kumar Singh, Advocate Mr. Vikram Saxena, Advocate
For the Opposite Party/s	:	Mr. Choubey Jawahar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

8 13-02-2026 Heard Mr. Jay Karn, learned counsel for the

petitioner and Mr. Choubey Jawahar, learned APP for the State.

2. The petitioner seeks bail in connection with Banka
P.S. Case No. 244 of 2021, instituted for the offences punishable
under Sections 420, 408, 409 and 120(B) of the Indian Penal
Code.

3. The prosecution case, in short, is that the petitioner
being Branch Dakpal and co-accused Nank Kishor Das being
Assistant Manager of Kojhi Branch of Post Office, Banka have
defalcated a total amount of Rs. 10,41,810/- of the India Post
Payments Bank.



4. Earlier, vide order dated 30.01.2026 learned APP was directed to verify the submission made by learned counsel for petitioner that the petitioner has already returned the misappropriated amount of Rs. 2,08,850/- but, upon verification, it appears that the petitioner has accepted the misappropriation of the total amount i.e. Rs. 10,41,810/- and he has returned only Rs. 1,24,820/- which is evident from the report sent by the Assistant Postmaster, Banka Subdivision dated 12.02.2026 and is placed in the file.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the petitioner also submitted that the alleged occurrence has been committed from 04.02.2020 to 17.08.2020 but the FIR has been lodged on 02.04.2021, as such there is inordinate delay of about eight months in lodging the FIR. The petitioner has been implicated in this case only on the basis of suspicion. Learned counsel for the petitioner submits that the petitioner is ready to return the remaining defalcated amount i.e. Rs. Rs. 9,16,990/-. The petitioner is in custody since 09.03.2025 and has got no criminal antecedent.

6. Learned APP for the State has vehemently opposed



the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case as also the fact that petitioner is ready to return the remaining defalcated amount and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Banka P.S. Case No. 244 of 2021, subject to the following conditions:

(I) Petitioner shall return the remaining defalcated amount i.e. Rs. 9,16,990/- in the Kojhi Branch of Post Office, Banka in ten equal monthly installments i.e. of Rs. 91,699/- each within one year after his release on bail, the first of which shall be deposited within one month of his release.

(II) One of the bailors shall be own/close member of the family of the petitioner.

(III) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.



(IV) In case, the petitioner fails to pay two consecutive installments in the Kojhi Branch of Post Office, Banka, the prosecution shall have liberty to move for cancellation of the bail of the petitioner.

9. It goes without saying that the aforesaid amount so returned by the petitioner shall remain subject to the final outcome of the trial.

(Rudra Prakash Mishra, J)

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