IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40691 of 2026

Arising Out of PS. Case No.-35 Year-2026 Thana- KATHAIYA District- Muzaffarpur

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Rajiv Kumar S/o- Gopal Singh Resident of HOuse no.-370,89, Rahul Nagar, Road No. 3, P.S.- Brahmpura, MIT, District- Muzaffarpur, Bihar PIN-842003.

... ... Petitioner/s

Versus

1. The State of Bihar
2. Lokesh Kumar Jha S/o Laliteshwar Jhar IAD, Bihar Gramin Bank, Regional Office, Muzaffarpur, Resident of Village and Post- Bashuki Bihari, P.S.- Madhwapur, District- Madhubani, Pin- 847305.

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ashhar Mustafa, Advocate.
		Ms. Dr. Chitrangada Mustafa, Adv.
		Mr. Dhiraj Kumar Singh, Adv.
		Ms. Anita Kumari, Adv.
For the Opposite Party/s	:	Mr. Chandra Bhushan Prasad, APP
For the Bank	:	Mr. Suresh Prasad Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 09-07-2026 1. Heard learned counsel for the petitioner Mr. Ashhar Mustafa, learned A.P.P. for the State Mr. Chandra Bhushan Prasad and the learned counsel appearing on behalf of the Bank.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 316(2), 316(5) and 318(4) of the BNS, 2023.

3. The Investigating Officer of the case, in compliance of the order dated 07.07.2026 is present in the Court.

4. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant

alleges that petitioner by working as office assistant, in Bihar Gramin Bank, Jasauli Branch, misappropriated an amount of Rs.1,50,000/- of the bank on 29.09.2025, the misappropriation came to the knowledge of the bank during review of cash withdrawal.

5. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that the date of occurrence is 29.09.2025 and the FIR came to be instituted on 03.02.2026. Learned counsel for the petitioner next submits that one Anil Singh, an old customer of the bank, having A/c No. 1001181030041769, presented Cheque No.006125 of an amount of Rs.2,00,000/-, for encashment on 29.09.2025, but due to link failure, the cheque could not be encashed, though petitioner entered the cheque in the transaction and Transaction I.D. No.M320 was generated, since the customer was in a hurry, hence an amount of Rs.1,50,000/- in cash was handed over to Anil Singh with an assurance that Rs.50,000/- would be released, after the link revived. Learned counsel for the petitioner next submits that when review of cash was done and the said anomaly came to the knowledge of the bank, it was at that time the petitioner even realized his mistake, and thereafter,

contacted Anil Singh. It is next submitted that Anil Singh by letter dated 04.10.2025, requested the bank that he is willing to return an amount of Rs.1,50,000/-, but then he was not permitted to return the amount.

6. At this stage, the learned counsel appearing on behalf of the bank submits that if Anil Singh had presented the cheque for encashment of Rs.2,00,000/-, he was paid an amount of Rs.1,50,000/- in cash, then where was the occasion for Anil Singh to return the amount rather Anil Singh ought to have asked the bank to pay him another Rs.50,000/-, which was due, on which, the learned counsel appearing on behalf of the petitioner submits that since on account of the act of the petitioner in handing over cash to Anil Singh, the said problem had arisen, as such Anil Singh intended to rectify the issue. It is further submitted that petitioner has been suspended and a departmental proceeding has been initiated and on the same set of charges, the instant FIR also came to be instituted. It is next submitted that departmental proceeding is based on preponderance of probability and criminal proceeding is based on strict rule of evidence and if petitioner, in the departmental proceeding, is exonerated of the allegation, as alleged in the charge memo, in that event, nothing will remain in the criminal

proceeding to be established by the bank but if petitioner is indicted in the departmental proceeding, the criminal proceeding can still continue. It is reiterated and submitted that if as of date the petitioner's anticipatory bail is rejected and he is sent to judicial custody and ultimately is exonerated in the departmental proceeding, whether the same would not amount to travesty of justice.

7. Learned A.P.P. for the State and the learned counsel appearing on behalf of the bank opposes the prayer for anticipatory bail of the petitioner but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that petitioner has been subjected to departmental proceeding and if petitioner in the departmental proceeding is exonerated, which is based on preponderance of probability, whether it would be prudent for the court to send the petitioner to judicial custody at this stage.

8. After hearing the learned counsels for the parties, the petitioner above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case

is pending/successor court in connection with Kathaiya P.S. Case No.35 of 2026, subject to the conditions as laid down under Section 482(2) B.N.S.S.

97. The personal appearance of the Investigating Officer is dispensed with.

(Satyavrat Verma, J)

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