

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74275 of 2022

Arising Out of PS. Case No.-54 Year-2020 Thana- AAYAR District- Bhojpur

Onkar Nath Bharti Son Of Late Deependra Nath Sah Resident Of Village- Kasim Bazar, P.S.- Raj Mahal, District- Sahebganj, At Present Posted As Branch Manager, Dakshin Bihar Gramin Bank, Ambujganj, P.O. And P.S.- Ambujganj, District- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Uttam Kumar Son of Birendra Kumar Rai @ Virendra Kumar Ray Resident of village- Khanet, P.O.- Khanet, P.S.- Pawar, District- Bhojpur (Ara)

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mahesh Narayan Parbat, Sr. Adv. Mr. Praveen Prabhakar, Adv.
For the State	:	Md. Fahimuddin, Adv.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 09-01-2026 Heard Mr. Mahesh Narayan Parbat, learned senior counsel for the petitioner, who is the Branch Manager of Dakshin Bihar Gramin Bank and learned APP for the State.

2. The present application is for cancellation of regular bail granted by the learned Additional District and Sessions Judge-X, Bhojpur at Ara by stating that the court concerned had granted bail to the opposite party no. 2 upon wrong and erroneous consideration.

3. It has been submitted that the learned court concerned has not properly appreciated the fact that the present opposite party no. 2 was an employee of the Bank and he had indulged in forgery as it was his I.D. which was used for the



commission of the offence due to which misappropriation of an amount to the tune of Rs. 11,29,987/- an odd was committed. It has also been submitted that the case of the present opposite party no. 2 was not similarly situated with the other co-accused person who had been granted bail and hence, the impugned order granting bail to the opposite party no. 2 suffers from perversity and wrong appreciation of facts.

4. Upon perusal of order dated 30.09.2022 granting regular bail to opposite party no.2, it is found that the learned court concerned has passed an order supported by reasons and the bail that has been granted to the petitioner has also been passed on the condition of deposit of Rs. 4,15,380/- which was the alleged amount which had been said to be transferred to the account of the concerned Bank. The order makes it very clear that the opposite party no. 2 would be released on furnishing bail bond of Rs. 25,000/- only upon receipt of deposit of Rs. 4,15,380/- in the concerned Bank and he has also subjected the petitioner to other conditions, being, cooperation in the investigation, not tampering with the evidences not influencing the witnesses and to regularly attend the court proceedings whenever called upon to do so. In addition to the same, it has also been emphasized that in case of violation of any of the



conditions of the order granting bail, the said order would be liable to be cancelled upon appropriate application by the prosecution.

5. Taking into consideration the entire facts and circumstances of the case which relates to criminal misappropriation of money and also taking into consideration the fact that the learned court concerned granting bail to the opposite party no. 2 has taken into consideration all the relevant facts and has rather also given liberty to approach for cancellation of bail in case of violation of any of the conditions, I do not see any reason to interfere with such order.

6. However, the petitioner would always be at liberty to file an application for cancellation of bail in case of violation of any of the conditions of the bail already granted to the opposite party no. 2.

7. Accordingly, the present application is disposed of with the aforesaid liberty.

(Soni Shrivastava, J)

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