IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26435 of 2026

Arising Out of PS. Case No.-330 Year-2023 Thana- CHANDAUTI District- Gaya

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Devanand Kumar S/o Birendra Das @ Bahadur Das Resident of Village- Sahua, P.S- Amarpur, District- Banka

... ... Petitioner/s

Versus

1. The State of Bihar
2. Pawan Kumar S/o Birendra Singh R/o Mohalla - Adarsh Nagar, P.S.- Nawada, Dist.- Bhojpur

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Advocate
For the Informant : Ms. Nisha, Advocate
For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR

ORAL ORDER

3 16-07-2026 Heard the learned counsel for the petitioner, the learned counsel appearing on behalf of the opposite party no. 2 and the learned APP for the State.

2. The petitioner apprehends his arrest in connection with Chandauti P.S. Case No. 330 of 2023, registered under Sections 420 and 406 of Indian Penal Code.

3. As per the prosecution story, which has been lodged on the basis of the written report submitted by the informant, to the effect that the petitioner who is an employee of Bharat Financial Inclusion Limited at Gaya retail branch, was working as a loan officer. On 16.01.2023 the B.C.M Nitish Kumar was sent to do daily collection from his area and during collection he met some customers who told to get the loan account closed and some of them told him that they have given their installment to

the petitioner. It came to notice that despite the petitioner collecting the said money, did not deposit the same into the loan account and upon enquiry it was found that total 4,84,257/- was taken by the petitioner from the customers, however the same was not deposited. The petitioner, on being contacted by the branch, informed that he will be depositing the same within 8 to 10 days, however he left without giving any information to the branch. An internal audit was conducted and the audit team met 12 customers, who explained the incident to the audit team. When the petitioner was informed about the non-deposit of the said amount to the tune of Rs. 4,84,257/-, he refused to give any satisfactory reply and even did not deposit the said amount.

4. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case due to an altercation between him and the branch head. He submits that although as per the allegation in the FIR, the occurrence is said to have taken place on 16.01.2023, however the FIR has been lodged after a delay of almost 5 months 10 days on 06.06.2023 and no explanation whatsoever has been given for the said delay. He further submits that the petitioner is an intermediate pass and was only doing the work as a collecting agent in the company. He further submits that prior to the said

occurrence he had already resigned but the resignation letter was destroyed by the informant and only on the verbal statement made by the persons, allegation of defalcation to the tune of Rs. 4,84,257/- has been leveled against the petitioner. He further submits that only with a view to remove the petitioner from job, the present FIR has been lodged. The learned counsel for the petitioner submits that the petitioner has got a clean antecedent and he is even ready to deposit the amount in 9 equal installments.

5. *Per contra,* the learned counsel appearing on behalf of the opposite party no. 2 submits that the petitioner, being the loan officer, obtained installment of loan from different customers and did not deposit in the account of the company, and kept it with him. When he was asked by the branch head to refund/return the said amount, he stopped coming to the branch and even did not return the amount. An audit was conducted, wherein it was found that the amount mentioned in the FIR has been taken away by the petitioner towards loan installments of the customers, which was required to be deposited in the bank, however the same was kept by the petitioner for personal use.

6. The learned APP appearing on behalf of the State also opposes the prayer for bail of the petitioner and submits

that the petitioner defalcated the said amount from the branch and therefore he does not deserve the privilege of anticipatory bail.

7. Considering the rival submissions and after going through the records, it appears that the allegation against the petitioner is of keeping Rs. 4,84,257/-, with him, however as per the submissions made by the learned counsel for the petitioner that he is ready to deposit said amount in 9 equal installments, the petitioner is directed to deposit the 1^{st} installment on or before 14.08.2026 in the bank account bearing Account No. 201035782842, IFSC – INDB0000393 of the Bharat Financial Inclusion Limited, 3^{rd} Floor, Reshmi Complex, P & T Colony Kidwaipuri, Patna-800001. The next eight equal installments will be deposited in the bank account on or before completion of 30 days each from 14.08.2026 and on completion of 30 days from the payment of the next installments.

8. Considering the above, let the petitioner, in the event of his arrest or surrender before the learned Court below within a period of six weeks, be released on **provisional bail** in connection with Chandauti P.S. Case No. 330 of 2023, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the

learned Chief Judicial Magistrate, Gaya, subject to the condition laid down under Section 438(2) of the Cr.P.C., and subject to the following condition:-

That the learned court concerned shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court concerned shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. The provisional anticipatory bail granted to the petitioner will be confirmed by the concerned Court after deposit of the entire amount as stated above.

10. The present order has been passed on the submission made by the learned counsel for the petitioner and its acceptance by the learned counsel for the opposite party no. 2, therefore they will not question or raise any grievance in future about the contents of the order.

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(Ritesh Kumar, J)

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