

**Court No. - 16**

**Case :-** CRIMINAL MISC ANTICIPATORY BAIL  
APPLICATION U/S 438 CR.P.C. No. - 2834 of 2023

**Applicant :-** Rahul Gupta

**Opposite Party :-** State Of U.P. Thru. Prin. Secy. Home Deptt.  
Lko. And Another

**Counsel for Applicant :-** Vijay Pratap Singh, Karunesh Singh

**Counsel for Opposite Party :-** G.A.

**Hon'ble Subhash Vidyarthi, J.**

1. Heard Sri Vijay Pratap Singh, the learned counsel for the applicant as well as Sri Anurag Verma, the learned Additional Government Advocate-I appearing on behalf of the State and perused the records.

2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No.06 of 2022, under Sections 420, 120-B, 413, 414 I.P.C., registered at Police Station S.I.T., District/Unit-State SIT, Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 20.04.2022 against four named accused persons, not including the applicant and their unknown accomplices, stating that the co-accused persons Nanmoon Maurya and Anju Maurya who run two service centres of State Bank of India and co-accused Rajesh Pathak, who is a Lekhpal were engaged in making fraudulent withdrawals of amount meant to be paid to the employees of government departments in G.P.G. and other dues.

4. In the affidavit filed in support of the application it has been stated that the applicant is an innocent person, he has falsely been implicated in the present case and he has no previous

criminal history.

5. The learned counsel for the applicant has submitted that the co-accused Punit Kumar Srivastava has been granted anticipatory bail by means of an order dated 30.11.2023, passed by this Court in Criminal Misc. Anticipatory Bail Application No.2397 of 2023. Eleven co-accused persons have been granted regular bail in the present case.

6. Per contra, the learned A.G.A.-I has submitted on the basis of instructions provided to him that Rs.7,00,000/- were credited to the bank account of the applicant on 23.05.2019 and again Rs.7,00,000/- were credited to his bank account on 17.08.2019 and after retaining his share as commission of the aforesaid amount the applicant helped in utilization of embezzled amount.

7. The co-accused Punit Kumar Srivastava, who has been granted anticipatory bail was working as Junior Clerk in the office of Settlement Officer Consolidation, Gorakhpur and in an enquiry report submitted by the Settlement Commissioner Consolidation it was found that the irregularity had been committed by another person who was working as an Accountant Clerk by preparing digital signatures and the complicity of the said co-accused Punit Kumar Srivastava did not come to light in enquiry. Therefore the case set against the applicant is not at par with the case set up against the co-accused Punit Kumar Srivastava, who was granted anticipatory bail by this court. The remaining co-accused persons have been granted regular bails.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that Rs.14,00,000/- have been deposited in the applicant's bank account in two

installments, which amount has fraudulently been transferred from the government treasury, I am of the view that the applicant does not deserve discretion of this court by granting him pre-arrest bail.

9. The anticipatory bail application is accordingly **rejected**.

10. However, in case the applicant moves an application for bail, the same shall be considered and decided in accordance with law by the court concerned without being influenced by any observation made by this court in this order.

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**(Subhash Vidyarthi, J.)**

**Order Date :- 11.12.2023**  
Ram.