

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49571 of 2016

Arising Out of PS.Case No. -221 Year- 2016 Thana -VIBHUTIPUR District- SAMASTIPUR

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Ritesh Kumar, s/o Devendra Prasad Singh, r/v and P.O. Bhuswar, P.S.
Bibhutipur, Samastipur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan

For the Opposite Party/s : Mr. Sri Shailendra Kumar Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 15-12-2016 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 01.10.2016
in connection with Bibhutipur P.S. Case No. 221/2016 for offences
punishable under Sections 467, 468, 471, 406, 420 and 34 of the Indian
Penal Code.

The prosecution case, as lodged by the informant, is
that the petitioner, who claimed himself to be the District Co-ordinator
of Small and Medium Scale Industries, along with other co-accused had
misappropriated huge amount from various persons on the pretext of
filling up form by charging Rs. 1,000/- per person on the ground of
obtaining loan for them. The informant stated that the petitioner along
with other co-accused had misappropriated money amounting to Rs.
2,50,000/-.

It has been submitted by the learned counsel for the
petitioner that he is innocent and has no criminal history and there is no



chit of paper produced by the prosecution to substantiate the allegation. In fact, the petitioner runs a cosmetic shop in his house and one Sangita Devi runs beauty parlour. Sangita Devi and her husband used to manage loan. It is submitted that none of the independent witnesses has alleged the complicity of the petitioner in the aforesaid case as is evident from paras 29, 30, 31 and 32 of the case diary. It is further submitted that charge-sheet has been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State submits that the witnesses whose money has been misappropriated by the petitioner and other co-accused have supported the prosecution case and the petitioner is named in the FIR, hence, opposes the prayer for bail.

Be that as it may, considering the facts aforesaid and submission of the parties and that the petitioner has no criminal history and charge-sheet has already been submitted, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate IV, Rosera, Samastipur, in connection with Bibhutipur P.S. Case No. 221/2016, subject to the condition that the petitioner will appear before the court below during course of trial and also as and when required.

(Nilu Agrawal, J.)

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