

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77713 of 2018

Arising Out of PS. Case No.-321 Year-2018 Thana- ISLAMPUR District- Nalanda

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Santosh Kumar Gupta Son of Gupteshwar Prasad Sah @ Gupteshwar Sah
Resident of Katiya,P.s. Vihiya,Distt.-Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr. Anand Kumar

For the Opposite Party/s : Mr.Sri Ashok Kumar Singh 1

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

5 25-01-2019 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in
connection with Islampur P.S. Case No. 321 of 2018 registered
for the offences punishable under Sections 467, 406, 409, 420 of
the Indian Penal Code.

Allegation against petitioner is of misappropriation
of Rs. 21 lacs during the period since 12 March 2017 till now
in Islampur Branch while petitioner was working as a Branch
Manager of the said company.

It has been submitted on behalf of the petitioner
that he is innocent and has committed no offence. He has been
falsely implicated in this case. The confessional statement has
forcibly obtained is the only incriminating material against



petitioner which has been neither recorded under section 161 or 164 of Cr.P.C. No witness or customer has made any allegation of cheating or fraud or misappropriation of money against petitioner. All allegations are based on audit report conducted by informant. Petitioner has no criminal antecedent and is in custody since 25.09.2018.

Considering the aforesaid fact and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-III, Nalanda, in connection with Islampur P.S. Case No. 321 of 2018, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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