

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.18237 of 2020**

Arising Out of PS. Case No.-33 Year-2019 Thana- SHAHKUND District- Bhagalpur

Santosh Kumar Son of Subhash Chandra Prasad @ Uma Das @ Subhas Das  
Resident of Village - Betthu, P.S.- Shahkund, District- Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr.Sanjay Kumar Ghosarvey, Adv.  
For the Opposite Party : Mr.Nirmal Kumar Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      05-06-2020              The matter has been listed today for consideration  
through Video Conferencing.

The learned counsels are appearing and making  
submissions from their residence. The Court Master and  
Secretary are also part of this virtual court proceedings from  
their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner as well as learned  
APP for the State.

The petitioner seeks bail in **Shahkund P.S. case No.**  
**33/2019 (G.R. No. 550 of 2019)** instituted for the offence under  
Sections 406, 409, 419, 420, 467, 468, 471 and 120B/34 of the  
IPC.

The prosecution case of the informant is that the  
petitioner along with one Lalan Kumar was running the



customer service Point ( for short ‘CSP’) at Harpur Block. She alleges that the amounts deposited at the CSP have been misappropriated by the petitioner along with one Lalan Kumar.

Petitioner’s counsel submits that co-accused Lalan Kumar was in-charge of the CSP which is evident from the identity card issued by the Save solutions Pvt. Limited in favour of the said Lalan Kumar. The petitioner has also placed on record copy of the income tax return as well as the rent agreement in respect of the CSP premises to demonstrate that co-accused Lalan Kumar was in- charge of the CSP. It is also submitted by the petitioner’s counsel that petitioner, in fact, had lodged a complaint to the police regarding the co-accused Lalan Kumar fleeing away. The complaint is Annexure-4. The police, however, took no steps against the said co-accused Lalan Kumar who was absconding since 25.01.2019. The petitioner has been made escape goat by filing the FIR belatedly on 10.02.2019. The petitioner’s counsel further submits that whatever amount is being claimed by the informant has been returned by the petitioner. In support of the said submission, the petitioner has placed on record the deposits /paying slips.

The learned counsel for the State opposed the prayer for bail.



Considering the rival submissions and the fact that the petitioner is in custody since 18.12.2019, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the **Sub Divisional Judicial Magistrate, Bhagalpur**, in connection with **Shahkund P.S. case No. 33/2019 (G.R. No. 550 of 2019)**, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

**(Madhuresh Prasad, J)**

shyambihari/-

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