

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15417 of 2021

Arising Out of PS. Case No.-803 Year-2019 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

Navin Kumar Mishra S/O Nandlal Mishra R/O Village Bijdhari Mishra Tola,
Kesariya @ Bijdhari Nizamat, P.S-Kesariya, District-Motihari, East
Champaran And At Present Residing In House Of Bishwanath Mishra Prasad,
Bank Colony, Najirpur, P.O-Sekhpora, P.S-Ahiyapur, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Yugal Kishore
For the Informant	:	Mr. Sameer Kumar Sinha
For the Opposite Party/s	:	Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 06-09-2021 This matter is taken up for consideration through
Video Conferencing.

Heard both parties.

The petitioner seeks bail in Town P.S. Case No. 803 of
2019, registered for the offence punishable under Sections 379,
420, 406 of the Indian Penal Code.

As per the prosecution case, the informant being
Manager of Suraj Freight Carrier Pvt. Ltd. found after audit, that
petitioner misappropriated Rs. 685430/- and also took cash of
50,000/- in his name.

It is submitted on behalf of the petitioner that
petitioner is Cashier of the firm and his work is not to collect



money from the market, so the allegation of collection of money from the market is false and fabricated. During course of investigation in para 32 of case diary, the Investigating Officer clearly stated that the informant has not produced original audit paper in spite of several request. Petitioner is in custody since 24.09.2020 having clean antecedent. Chargesheet has already been submitted.

Counsel for the informant vehemently opposed the prayer for bail and submitted that in spite of undertaking given by the petitioner to refund the amount, the same has not been refunded by the petitioner as yet and huge money was defalcated by the petitioner.

Considering the period of custody coupled with the fact that petitioner has got clean antecedent, the petitioner above-named, is directed to 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 the learned Chief Judicial Magistrate, Muzaffarpur in connection with Town P.S. Case No. 803 of 2019, subject to following conditions:-

(i) The 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 the



Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) 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.

(Prabhat Kumar Singh, J)

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