

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.14105 of 2021**

Arising Out of PS. Case No.-457 Year-2019 Thana- MADHAURAH District- Saran

Nilesh Kumar @ Nilesh Kumar Singh Son Of Shri Harendra Singh R/o  
village and P.O.- Dumari Bujurga, P.S.- Naya Gaon, District- Chhapra  
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                            |                       |
|----------------------------|-----------------------|
| For the Petitioner/s :     | Mr.Amit Kashyap       |
| For the Opposite Party/s : | Mr. Dilip Kumar No. 1 |
| For the Informant          | Mr. Ashish Giri       |

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

4      03-03-2022                      Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 420, 406/34 of the Indian Penal Code.

Petitioner, who is Assistant Godown Manager of BISCOMAUN, is said to have defalcated Rs. 2,64,850/-.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that FIR was lodged against the petitioner without giving show-cause notice and chance to clarify the whole issue. He submits that on 11.02.2019, the petitioner gave charge to Manoj Prakash and at the time of giving charge, amount mentioned in column 24 (cash in hand) was given to Shri Manoj Prakash of Rs. 2,17,745/- as well in



column 25 in bank of Rs. 12,836/- have been given by the petitioner to Manoj Prakash. He further submits that it is a case of mistake of account and it is not mentioned in the audit report under which circumstance Manoj Prakash deposited excess amount of Rs. 2,13,328/-.

However, petitioner is ready to deposit Rs. 2,64,805/- in the BISCOMAN in equal two installments. First installment will be paid at the time of furnishing his bail bonds and second installment will be paid within six months thereafter.

In that view of the matter, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Marhowrah P.S. Case No.437 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

**(Anjani Kumar Sharan, J)**

devendra/-

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