

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.10155 of 2022**

Arising Out of PS. Case No.-448 Year-2021 Thana- GANDHIMAIDAN District- Patna

Ravi Bhashkar Son of Sri Ghanshyam Sharma Resident of Village - Raily,  
P.S. - Barh N.T.P.C., District - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Nilesh Kumar, Advocate.

For the Opposite Party/s : Mr.Bharat Bhushan, APP.

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

2      06-07-2022                      The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Gandhi Maidan P.S. Case No. 448 of 2021 registered for the offence punishable under section 394 of the Indian Penal Code but charge sheet was submitted under Sections 406, 420, 120(B)/34 of the Indian Penal Code.

Allegedly petitioner misappropriated a sum of Rs. 57,49,000 which was entrusted to him by several customers of the petitioner's company and petitioner fabricated a false story about the alleged amount having been looted from his office by



some unknown persons.

The main submissions advanced by learned counsel for the petitioner are that the FIR of this case was lodged under Section 394 IPC and later on after the completion of investigation, the charge-sheet was submitted under Sections 406 and 420 of IPC but among the said offences, the offence of 420 IPC is not made out and the offence of 406 is punishable with maximum three years imprisonment and the same is triable by first class Judicial Magistrate and during the course of investigation 39,80,000 rupees was recovered from the possession of petitioner's brother as per prosecution and the petitioner has been languishing in jail since 10.9.2021 having clean antecedent.

Learned APP for the State has opposed the bail prayer.

Learned counsel appearing for Ankit Metal Power Limited, Durgapur company which is stated to be the main victim and aggrieved, submits that the petitioner not only misappropriated huge amount of the company, but also fabricated a false story and during the course of investigation in following with the disclosure statement made by petitioner the major part of the alleged amount was recovered from the possession of petitioner's brother and about 18 lakh rupees is to



be recovered and the investigation in respect of co-accused persons whom implicity was revealed by this petitioner in the commission of the alleged occurrence is still pending.

Heard both the sides and perused the FIR. In view of the nature of allegation and mainly considering the alleged false fabrication of the story by this petitioner who was initially informant of this case and in following with the disclosure statement made by the petitioner the major part of the alleged misappropriated money was recovered from the possession of petitioner's brother and the investigation is still pending in connection with the co-accused persons and as per above submission some part of the alleged misappropriated money is to be recovered, in my view the petitioner does not deserve to bail at this stage, accordingly his prayer stands rejected. The petitioner may renew his bail prayer after the completion of investigation in respect of co-accused persons.

**(Shailendra Singh, J)**

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