

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11121 of 2022**

Arising Out of PS. Case No.-200 Year-2021 Thana- RAJGIR District- Nalanda

DEEPAK KUMAR S/o Nitu Sao R/o Main Bazar, Rajgir, P.S.- Rajgir, Dist-
Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 26-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Rajgir
P.S. Case No. 200 of 2021 registered for the offence under
Sections 420 and 406 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 25.10.2021.

The allegation against the petitioner is to receive the
cash of Rs. 2,00,000/- in his Saving Bank Account from the
bank account of both of the informants, by way of
misappropriation.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner is not named in the FIR and his name surfaced during course of investigation, when it was found that amount has been transferred to Saving Account of the petitioner. It has further been submitted that from perusal of the FIR, it appears that master-mind of occurrence is main accused, namely, Prem Kumar, who is the sole operator of Customer Service Point (CSP) of South Bihar Gramin Bank. It has further been submitted that alleged amount was transferred to the bank account of the petitioner, has already been withdrawn by CSP. It has further been submitted that this is purely accounting and technical error, where petitioner himself is the victim of the circumstances and languishing in jail since 25.10.2021. It has further been submitted that petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, Sri Jitendra Kumar Giri, while opposing the prayer of bail, submitted that petitioner actively participated in the occurrence, but fairly conceded the fact that petitioner is not named in the FIR.



Considering the facts and circumstances as mentioned above, as amount transferred to bank account of the petitioner, has already been taken back by CSP of the concerned Bank, where petitioner is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Rajgir P.S. Case No. 200 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Nalanda at Biharsharif/concerned court, subject to the following conditions:

“(i)Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Bebi Devi, who is the mother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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