

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31475 of 2021

Arising Out of PS. Case No.-200 Year-2020 Thana- AGAMKUAN District- Patna

SUMESHWAR PRASAD Son of Late Bhoja Ram Resident of Village- Gopal
Dihari, P.S.- Dawath, Dist- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/informant: Mr.Pratik Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 03-01-2022 Heard learned counsel for the parties.

Petitioner seeks regular bail in connection with
Agamkuan P.S. Case No. 200 of 2020 registered for the offence
under Sections 406, 408, 420, 467, 468 , 471/ 34 of the I.P.C.

As per allegation, the petitioner while working as
Audit Manager in the Devi Crop Science Pvt. Ltd. committed
misappropriation of a sum of Rs. 27 Lakhs and odd from the
company's account along with other three employees / accused
persons of the company.

Learned counsel for the petitioner submits that
petitioner has not committed any offence in the manner alleged
and he has falsely been implicated in this case only because
some of the employees i.e. other accused persons in *hand and*
glove committed misappropriation of the fund of the company



and the petitioner was holding the post of Audit Manager. He further submits that without prejudice to the rights and contention of the petitioner, the petitioner is ready to deposit a sum of Rs. 5 Lakhs subject to the final outcome of the trial of this case, out of which Rs. 1 Lakh shall be deposited at the time of furnishing bail bond and the remaining Rs. 4 Lakhs shall be deposited in equal installments within a period of one year from the date of release of the petitioner on bail.

On the other hand, learned counsel for the informant vehemently opposes the prayer for bail and submits that petitioner was holding key post of “Audit Manager” and was responsible for commission of the offence and there is *prima facie* material against him showing commission of the offence. He further submits that Password and ID of the Software was known to the petitioner only and the fund of the company has been misappropriated by the accused persons by using the Password and ID. He further submits that if the petitioner deposits the aforesaid amount as agreed by him, the informant has no objection in his release on bail by this Court.

Regard being had to the submissions made by the parties and taking into consideration the materials available on record, the fact that petitioner is in custody since 15/10/2020



and he is ready to deposit a sum of Rs. 5 Lakhs during the pendency of this case, I am inclined to grant regular bail to the petitioner subject to the condition that the petitioner shall deposit a sum of Rs. 5 Lakhs before the court below, out of which Rs. 1 Lakh shall be deposited at the time of furnishing bail bond and the remaining Rs. 4 Lakhs shall be deposited in equal installments within a period of one year from the date of release of petitioner on bail.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 25000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st Patna City / court concerned in connection with Agamkuan P.S. Case No. 200 of 2020.

(Anil Kumar Sinha, J)

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