

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34970 of 2021

Arising Out of PS. Case No.-320 Year-2015 Thana- GANDHIMAIDAN District- Patna

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VIKAS CHANDRA ACHARYA @ VIKASH CHANDRA ACHARYA S/o-
SRI NAND KUMAR ACHARYA Resident of Village- Makhdumpur, P.O.-
Digha Ghat, P.S.- Digha, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Parmeshwar Vishwakarma, Adv.

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 22-01-2022 Heard the learned counsel for the petitioner

and the learned APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Gandhi Maidan P.S. Case No.
320 of 2015 instituted for the offence under Section 381
of the Indian Penal Code.

The petitioner allegedly was employed as an
Executive Officer in a private company by the name of



Prism Infracon Ltd. at Muzaffarpur. The allegation against the petitioner is that he has absconded with Rs. 1,49,500/- which he was supposed to deposit in the account of the company.

The learned counsel for the petitioner has submitted that from the own showing of the informant in the F.I.R., it would appear that the father of the petitioner had informed the Branch Manager that the petitioner had not returned home. Later, the informant had a telephonic talk with the petitioner that he shall deposit Rs. 1,49,500/- in the bank account of the company which has not yet been done.

Hence the case.

The learned counsel for the petitioner has submitted an absolutely false and concocted case has been lodged by the informant, who is running a private company by the name of Prism Infracon Ltd. The petitioner, while employed in the aforesaid company worked to the best of his ability and nothing was due against him. Whatever money was collected by the petitioner was deposited in the



account of the company. There is no relationship of the employer and employee today as the petitioner is not in the employment of the aforesaid company. The accusation in the F.I.R. does not appear to be correct as nothing has been stated to justify the complaint of the informant that the money accepted by the petitioner on behalf of the company has not been deposited. No evidence of any such collection by the petitioner or of such amount not having been deposited in the account of the company, has been furnished. The case has been lodged only on the basis of an allegation that the petitioner had telephonically assured the informant that he shall deposit the money which the petitioner denies.

Considering the aforesaid vague nature of accusation against the petitioner, he is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each



to the satisfaction of learned A.C.J.M. -XIV-cum-Sub
Judge – XIV, Patna, in connection with Gandhi Maidan P.S.
Case No. 320 of 2015, subject to the condition laid down
under Section 438 (2) of the Code of Criminal Procedure.

(Ashutosh Kumar, J)

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