

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31813 of 2022

Arising Out of Case No.-438 Year-2020 Thana- SAHARSA COMPLAINT CASE District-
Saharsa

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AKHILESH KUMAR AKELA S/o Maheshwari Prasad Yadav Resident of
Village- Madanpur, P.S.- Madhepura, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jay Shankar Prasad S/o Late Durga Prasad Singh Resident of Village-
Kapsiya, P.S.- Saur Bazar, District- Saharsa.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surya Narayan Yadav

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-10-2022 Heard learned counsel for the petitioner and the State.

Petitioner apprehends his arrest in a case registered
for the offence punishable under Section 406 of the Indian Penal
Code.

As per the prosecution case, the petitioner sold maize
seeds of Rs. 69,300/- to the retailers from the shop of the
complainant and paid only Rs. 17,000/- against the sale and rest
of the amount was defalcated by this petitioner.

Learned counsel appearing for the petitioner submits
that petitioner is innocent and has falsely been implicated in the
case. It is submitted that petitioner was working as sales man in
the agency of complainant since 01.11.2017. The complainant



was working as Marketing Manager of Barmi Compost and the alleged defalcated amount has already been adjusted against expenditure of marketing. The dispute between the parties relates to accounting. Petitioner has got clean antecedent.

Learned counsel appearing for the State opposes the prayer for anticipatory bail.

Considering the facts of the case, nature of accusation and clean antecedent of the petitioner, let the petitioner, above named, in the event of his arrest/ surrender within a period of six weeks from today shall be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st class, Saharsa in connection with Complaint case No.438(c)/ 2020, subject to conditions laid down u/s 438(2) of the Cr. P. C.

(Prabhat Kumar Singh, J)

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