

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44165 of 2021**

Arising Out of PS. Case No.-88 Year-2020 Thana- BIDUPUR District- Vaishali

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AMAN GUPTA @ ANNU @ AMAN @ AMAN KUMAR GUPTA S/O
SANJAY GUPTA R/O VILLAGE-PAKRI, P.S-BIDUPUR, P.O-
BHAIRUPUR DEVDHI, DISTRICT-VAISHALI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satya Prakash Sinha, Advocate

For the Opposite Party/s : Mr. Ajeet Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 29-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
Bidupur P.S. Case No. 88 of 2020, for the offence punishable
under Sections 409, 406, 420, 467, 468, 120(B) and 471/34 of
the Indian Penal Code.

The allegation against the accused persons named in
the F.I.R., including the petitioner, is that they have defalcated
the government money amounting to Rs.18,42,811/-.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner is innocent and he has falsely been
implicated in this case. He further submits that the allegation



made in the F.I.R. that petitioner and other have defalcated the government money amount to Rs. 18,42,811/-, but the said money, after accepting their guilt, have been deposited back in the relevant account of the Post office. He further submits that there is no evidence to relate the present petitioner with the said defalcation of money, which has been committed by the employees of the Post-office. He further submits that petitioner has been roped in this case on the basis of the allegation that he used to manage the money and used to operate computer in this regard that apart nothing has come against the petitioner in course of investigation. The petitioner is in custody since 16.06.2021 and he has clean antecedent.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, the allegation made in the F.I.R. is against the co-accused, who are employee of the Post-office, who after having committing the offence has already deposited the entire money in the account of the Post-office. The petitioner has not gained in any manner monetary benefit or is involved in the said defalcation of money. In my opinion, the petitioner has made out a case to be released on bail. The petitioner, above



named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 88 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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