

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38767 of 2022

Arising Out of PS. Case No.-225 Year-2019 Thana- RAGHOPUR District- Supaul

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Kumar Vidya Bhushan S/o Sadanand Prasad Bhushan @ Sadannsd prasad
Singh R/o Village - Sahmaura, P.s.- Sonbarsa, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mohit Shriwastava

For the Opposite Party/s : Mr. Bharat Lal

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-09-2022 The matter is being listed on priority basis on the

urgent motion slip filed by the petitioner.

Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Raghapur P.S.Case No. 225 of 2019 for
the offences punishable under Sections 407 and 420 of the
Indian Penal Code.

It is alleged that CMS Info System Ltd. had
engaged two custodians namely, Jyotish Kumar and Vidya
Bhushan(petitioner) with the responsibility of putting cash



in ATMs. It is further alleged that the password of ATM were with these two custodians. The company received query through AGS regarding ICICI ATM ID- SACWN809, the risk team inquired the matter on 05.07.2019 and it is found the two custodians had lowered down the switch and there was deficiency of Rs. 18 lac. It is further alleged that both of them left the work on 06.07.2019.

Learned counsel appearing on behalf of the petitioner submits that with regard to the occurrence, which took place 05.07.2019, an FIR has been instituted on 24.10.2019 after considerable delay of more than 3 ½ months without adjoining any reason. He next submits that FIR is completely silent about the C.C.T.V camera which could have clarified the entire position. He next submits that in fact the petitioner had already submitted his resignation to operation in-charge on 06.07.2019 and since then he was not working as a custodian. He last submits that co-accused Jyotish Kumar having identical allegation has already been granted bail in Cr. Misc. No. 3290 of 2021 vide order dated 24.09.2021. The petitioner is in custody since 26.04.2022 having fair antecedent.



On the other hand, learned counsel for the State opposed the bail application of the petitioner.

Regard being had to the facts in delay of lodging of the FIR, apart from co-accused having identical allegation has already been enlarged on bail and the petitioner having fair antecedent is in custody since 26.04.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Birpur, Supaul in connection with Raghapur P.S.Case No. 225 of 2019 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive



dates without any cogent reason, his bail bonds will liable
to be cancelled.

(Harish Kumar, J)

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