

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66616 of 2021

Arising Out of PS. Case No.-69 Year-2021 Thana- GANDHIMAIDAN District- Patna

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Ashish Kumar Sinha, Son of Sri Shrawan Kumar, Resident of Village -
Parmeshwar Singh Lane, West Lohanipur, P.O. and P.s.- Kadamkuan, Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha, Advocate

For the Opposite Party/s : Mrs. Renuka Ratnakar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 12-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Gandhi Maidan P.S. Case No. 69 of 2021 registered for the alleged offences under Sections 406, 420, 467 and 120(B) of the Indian Penal Code.

As per the prosecution case, the petitioner working as computer operator in the firm of the informant committed misfeasance and by doing wrong billing, he committed defalcation of the amount of Rs. 1,14,79,000/- and he returned Rs. 40,00,000/-. The informant did not return the rest of the



amount.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. Despite specific allegation, one Vikas Kumar Singhania, who was in-charge of the account of the agency, has not been made accused in this case because this person is relative of the informant. The police did not collect any evidence against this petitioner or for misappropriation of any amount of the firm and no recovery has been made of any money from the possession of this petitioner. Learned counsel further submits that the petitioner has nothing to do with the work of billing or supplying of goods. The payment was being made online in the bank account of the concerned person and supplying of consignment on payment was being made by the employees of the godown and only duty cast upon the petitioner was making entry in the computer. The learned counsel further submits that the petitioner never accepted his guilt and did not return any money and did not make any assurance for returning the amount as stated by the informant. Learned counsel further submits that the petitioner is in custody since 13.07.2021 and is having clean antecedent. The charge sheet has been submitted.

Learned APP opposes the prayer for bail submitting



that specific allegation has been levelled against this petitioner for misappropriation of the money of the firm of the informant. The petitioner misappropriated money by making wrongful entry in the accounts and put the goods in market in names of the persons who never ordered the same and this fact is clear from paragraph 63 and 70 of the case diary.

Perused the records.

Having regard to the submissions made on behalf of the parties and considering the period of the custody along with the submission of charge-sheet and his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Judge-cum- Additional Chief Judicial Magistrate- XIV, Patna in connection with Gandhi Maidan P.S. Case No. 69 of 2021 subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be Ashwani Kumar, elder brother of the petitioner, who has sworn the affidavit in this case.
- (ii) The petitioner will remain present on each and every date fixed by the court below.



(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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