

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69842 of 2021**

Arising Out of PS. Case No.-224 Year-2021 Thana- UDAKISHUNGANJ District-
Madhepura

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Rahul Kumar, Son Of Pramod Yadav Resident Of Village- Basgarha, P.S.-
Udakishunganj, District- Madhepura.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra
For the Opposite Party/s : Mr. Shyameshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 26-07-2022 The learned counsel for the petitioner is permitted to

make rectification in Para-3 of the anticipatory bail application

during course of the day.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in

a case registered for the offences punishable under Sections 406,

420, 341, 323, 342, 504, 506 and 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the

petitioner has antecedent of one case and the informant alleges

that petitioner was working on the post of D.C. Head in Ecom

Express Private Limited and he defalcated an amount of

Rs.8,33,567/- and cost of shipment of Rs.14,31,321/- out of



Rs.22,64,888/-. It is next alleged that the petitioner even during the course of inquiry by the company accepted that he has indulged in defalcating the amount in connivance with his brother-in-law, who is a delivery boy.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is next submitted that petitioner under duress had to accept what the company was demanding him to state. It is next submitted that the petitioner has been implicated only to save the real culprit.

The learned Additional Public Prosecutor opposes the anticipatory bail application and submits that there is allegation of defalcation committed by the petitioner as detailed in the F.I.R. in the company and at the same time, allegation is also of changing the goods which used to come in parcel for delivery and indulging in such a nefarious activity the petitioner has earned.

Considering the submissions made by the learned counsel for the petitioner that based on extra-judicial confession, the petitioner came to be implicated, as such, the Court for the present directs that the petitioner, above-named, **till filing of the charge-sheet**, in the event of his arrest or



surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Udakishunganj P. S. Case No.224 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C. and if charge-sheet is filed against the petitioner, the present anticipatory bail order shall automatically come to an end. Further if an application is filed by the police in the learned Court below stating that the petitioner is not cooperating in the investigation, the learned Court below shall be free to cancel his bail bonds after recording reasons.

The application stands disposed of with the aforesaid observation and direction.

(Satyavrat Verma, J)

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