

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6193 of 2023**

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

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SONU YADAV @ SONU KUMAR Son of Ashok 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, Advocate
For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 22-05-2023 Heard the learned counsel for the petitioner and

the learned A.P.P. for the State.

This is an application for grant of anticipatory

bail in connection with Udakishunganj PS case no. 224 of

2021, registered for the offences punishable under Section 406

and other allied sections of the Indian Penal Code.

The prosecution case, in brief, is that the

informant is employed as Cluster Head in a company namely

Ecom Express Private Limited, situated at Udakishunganj

while the co-accused person namely Rahul Kumar was posted

as D.C. Head of the Udakishunganj Branch, a post which he

was holding from 13.07.2021 up to 30.07.2021. It is alleged

that in between the said period, the said co-accused person



namely Rahul Kumar had mis-appropriated a cash sum of Rs. 8,33,567/- and shipment worth Rs. 14,31,321/- in connivance with his brother-in-law namely Azad Kumar, who is a delivery boy.

The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has further submitted that no allegation of any sort of mis-appropriation *qua* the petitioner herein has been levelled by the informant, however, during the course of investigation, one of the witnesses has merely stated that the petitioner is cousin brother of the co-accused person namely Rahul Kumar, who is alleged to have apprehended one delivery boy and assaulted him, however, it is submitted that the said delivery boy has not come forward to implicate the petitioner *qua* the said occurrence.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the informant has



not alleged any mis-appropriation having been done by the petitioner apart from the fact that he is having a clean antecedent, I deem it fit and appropriate to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M. Udakishunganj, Madhepura in connection with Udakishunganj PS case no. 224 of 2021, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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