

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10278 of 2023**

Arising Out of PS. Case No.-1 Year-2012 Thana- GOVINDPUR District- Nawada

UTTAM KUMAR S/o Ram Chandra Prasad R/o Village and P.S.- Govindpur,
Distt- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan Kumar

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 27-04-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offence under Section 406/420 of the Indian Penal Code.

It is alleged that co-accused Sunil Kumar, being the proprietor of M/s Jain Machinery Store, Kolkata, received a draft of Rs. 1,65,000/- from Punjab National Bank for supply of certain machinery to the beneficiary Uttam Kumar (petitioner) under the Prime Minister Employment Scheme, but the machinery, in question, was not made available to the beneficiary, Uttam Kumar and the amount has been misappropriated.

It is submitted on behalf of petitioner that petitioner is



innocent and has committed no offence. In fact, the petitioner was cheated by bank and co-accused Sunil Kumar. Thrust of allegation is against co-accused Sunil Kumar, who is alleged to have misappropriated the alleged amount, has already been granted anticipatory bail by a coordinate Bench of this Court, vide order dated 01.10.2019 passed in Cr.Misc. No. 42737 of 2019 (Annexure – 3 to the petition). It is further submitted that after receiving the said amount, the co-accused Sunil Kumar did not supply the machine to the petitioner, for which, petitioner has requested the Branch Manager of Punjab National Bank to look into the matter and take action. In the whole money transaction, petitioner had no role to play. Petitioner has got clean antecedent.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail.

Considering the aforesaid facts and circumstances, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Nawada in connection with Govindpur P.S. Case No. 01 of 2012, subject to condition as



laid down under Section 438(2) of the Code of Criminal
Procedure.

(Prabhat Kumar Singh, J)

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