

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 13756 of 2023**

Arising Out of PS. Case No.-615 Year-2021 Thana- CHAPRA TOWN District- Saran

MUNNA KUMAR PATHAK Son of surendra Pathak R/V- Patedhi Baij, P.S-
Marhaura, Dist- Saran At Chhapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Udai Shankar Singh, Advocate

For the Opposite Party/s : Mr Satya Nand Shukla, APP

CORAM: HONOURABLE MR JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

6 18-08-2023 Heard learned counsel for the petitioner and the
learned APP.

2 The petitioner apprehends arrest in Chapra Town PS
Case No 615 of 2021 registered for the offence punishable
under Sections 420, 406, 120B of Indian Penal Code.

3 As per the prosecution case, the petitioner and other
accused persons used to upload money in ATM. Co-accused
Munna Kumar Pathak was authorized to draw money from the
bank. During the period from 07.10.2021 to 10.10.2021,
shortage of Rs 1,57,35,400/- was found after audit. It is alleged
that the petitioner and others misappropriated the amount.

4 Learned counsel for the petitioner submits that
during the alleged period from 07.10.2021 to 10.10.2021, the



petitioner neither withdrew money from the bank nor gave it to the concerned employee to upload the same because he was not on duty and, as such, he could not be held responsible with regard to subject matter of money. It is further submitted that salary of the petitioner of two months was due and when he demanded the same, he has been named in the FIR.

5 Learned APP has vehemently opposed the prayer for anticipatory bail. It is submitted that this petitioner was authorized to withdraw the amount and there is specific allegation that this petitioner and other employees have misappropriated the huge amount.

6 Considering the rival submissions, I do not find it a fit case for grant of anticipatory bail. The same is rejected.

(Prabhat Kumar Singh, J)

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