

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29705 of 2023

Arising Out of PS. Case No.-353 Year-2020 Thana- BAIRIYA District- West Champaran

PAPPU KUMAR Son of Vakil Sah R/O Village - Malahi Tola, P.S.- Bairiya,
District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-06-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

Learned counsel for the petitioner is permitted to
make necessary correction in the bail petition during course
of the day.

The petitioner seeks bail in connection with
Bairiya P.S. Case No. 353 of 2020 registered for the
offences punishable under Sections 379, 420, 406, 34 of
Indian Penal Code.

As per prosecution case, petitioner alongwith
other misappropriated the amount deposited in customer
service centre. It is further alleged that petitioner and others
have withdrawn the money from customers' account.



Learned counsel for the petitioner submits that the petitioner suo-moto surrendered before the learned magistrate on 01.02.2023 since then he is in custody. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is innocent and has committed no offence as alleged in the F.I.R. The petitioner is the Assistant Coordinator of CSP who has no liability to operate the CSP in question. Co-accused Raju Bhagat is the operator of the CSP in question, who can be held responsible for any irregularity. From perusal of the F.I.R., it clearly manifest that even the name of any beneficiary or account holder has not been disclosed as to whose amount has been misappropriated. It is also not disclosed in the F.I.R. that how much amount has been misappropriated. Learned counsel further submits that co-accused Raju Bhagat has already been granted bail vide Cr. Misc. No. 19801 of 2023 by a co-ordinate bench of this Court and the case of present petitioner stands on better footing in comparison to the responsibility borne by the



petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, co-accused has already been granted bail, keeping in view clean antecedent of the petitioner, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st , Bettiah, West Champaran in connection with Bairiya P.S. Case No. 353 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive



dates without appropriate permission would be a ground for
cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence
or the witnesses, in that case, the prosecution will be at
liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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