

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31151 of 2023

Arising Out of PS. Case No.-497 Year-2021 Thana- DIGHA District- Patna

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KUNAL KISHORE Son of Satyadeo Narain Arya Resident of House No.-
159, M.L.A., M.P. Colony, Kautiliya Nagar, Rajabazar, P.S.- Hawaii Adda,
District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Indu Bhushan, Advocate

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 14-07-2023 1. Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.
2. This is an application for grant of anticipatory bail
in connection with Digha PS case no. 497 of 2021, registered
for the offences punishable under Section 409 and other allied
sections of the Indian Penal Code.
3. The allegation is regarding the government officials
having conducted an inspection in the godown of Ganga Sone
Flood Protection Division, Digha, whereupon it was found that
12,44,696 E.C. bags and other articles were missing.
4. 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 since the petitioner has already been suspended and is facing a departmental proceeding, he has already been suitably punished, hence, he be granted the privilege of anticipatory bail. It is also submitted that similarly situated co-accused persons have already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 14.11.2022, passed in Cr. Misc. no. 541 of 2022, Cr. Misc. no. 6992 of 2022 and Cr. Misc. no. 8872 of 2022, respectively as also vide order dated 16.11.2022, passed in Cr. Misc. no. 29194 of 2022.

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

6. 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 parity of the case of the petitioner with that of the co-accused persons, who have already been granted bail by a co-ordinate Bench of this Court, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

7. 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 learned court of A.C.J.M.-XIII, Patna in connection with Digha PS case no. 497 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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