

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33719 of 2022

Arising Out of PS. Case No.-4 Year-2022 Thana- PHULWARIA District- Begusarai

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BYAS KUMAR SON OF JAY PRAKASH CHAUDHARY R/O VILLAGE
AND P.O.- SIHIYA, P.S.- NARAYAN NAGAR, DISTRICT- MUNGER

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Kumar, Adv.

Mr. Ashok Kumar

For the Opposite Party/s : Mr. Raj Ballabh Singh

For the Informant : Mr. Sanjay Kumar Mishra

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 02-02-2023 Heard Ld. counsel for the petitioner, Ld. APP for
the State and Ld. Counsel for the Informant.

The petitioner seeks bail in connection with
Phulwaria P.S. Case 04 of 2022 corresponding to G.R. No.
41 of 2022, registered for the offences punishable under
Sections 406, 420 and 379 of the Indian Penal Code.

The prosecution case as emerging from the FIR is



that the petitioner was working as *Sangam* Manager in Bharat Financial Inclusion Ltd. Branch-C and collected the EMIs and advance payment of loan amount of Rs. 1,79,820 (Rupees One lakh Seventy Nine Thousand Eight Hundred and Twenty) but he did not deposit the same in the company.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner has not received any money from the consumer as informant is claiming and was falsely implicated after his leaving job of the informant company.

He further submits that the petitioner has been languishing in jail since 28.01.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State and Ld. Counsel for



the Informant vehemently opposes the prayer of the petitioner for bail submitting that the petitioner has misappropriated the money given by consumer towards and amount of EMIs to him.

However, Ld. Counsel for the Informant does not show any document to show that the petitioner has received any amount of EMIs from any consumer, nor has any other documentary evidence in regard to receipt of EMI by the petitioner.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. A.C.J.M., Begusarai in connection with Phulwaria P.S. Case 04 of 2022 corresponding to G.R. No. 41 of 2022, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that



investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a



period of one month and the Registry is directed to issue the
certified copy of this order only after removal of office
objections.

(Jitendra Kumar, J)

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