

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42526 of 2022

Arising Out of PS. Case No.-1348 Year-2018 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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KAPILDEO RAI @ PINTU RAI S/O SRI MOTI PRASAD RAI Resident of
Village- Narsandih, P.O- Pakariya, P.S.- Shambhuganj, District- Banka
Present Address Mohalla- Janki Apartment Flat No.- 403, Near Mini Market
Mundichak, P.S.- Tilkamanjhi, District- Bhagalpur Petitioner/s
Versus

THE STATE OF BIHAR Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Narendra Kumar Singh, Advocate Mr. Atul Kumar, Advocate
For the O.P. No.2	:	Mr. N. K. Aggarwal, Sr. Advocate Mr. Atul Kumar, Advocate
For the Opposite Party/s	:	Mr. Bharat Lal, App

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

6 28-02-2023 Heard the parties.

Petitioner seeks regular bail in connection with
Complaint Case No.1348/2018 registered for the offences
punishable under Sections 406, 420, 120(B) of the Indian Penal
Code.

As per the prosecution, misappropriation of huge
amount of rupees two crores was allegedly committed by this
petitioner with the help of co-accused through forged documents
in the company of complainant between the financial year 2013
and 2018.

The main submissions advanced by the learned Sr.
counsel for the petitioner are that the instant matter relates to
complaint case filed by the complainant, who happens to be



Director of D.Pro Foundation Limited and in actual the complainant himself cheated several clients of his own company with regard to the business transaction of immovable property which was made by him with his customers and when the legal proceedings were started and initiated against the complainant by his customers then the complainant in order to divert his liability, lodged the present case and the petitioner was admittedly an employee of the complainant's real estate company and he has been languishing in jail since 11.05.2022.

Learned counsel appearing for the complainant has vehemently opposed the bail prayer and submitted that the petitioner was made in-charge of Bhagalpur branch of the complainant's company and he with the help of co-accused Priyanka Kumari embezzled a large amount of complainant's company and on account of alleged wrong committed by this petitioner, the complainant is now on the verge of bankruptcy and the petitioner by forging the signature of the complainant (informant) entered into agreements with clients of the complainant's company and took money from them to his own account and thereafter misappropriated the said amount.

Heard both the sides and perused the complaint petition filed by the complainant against the petitioner and co-



accused.

As per the allegation, the alleged misappropriation of huge amount of rupees two crores was allegedly committed by this petitioner between the year 2013 and 2018 but in this regard, the allegation of misappropriation made by the complainant in his complaint petition is completely vague and moreover the complainant remained silent for a long period despite the petitioner continuously being involved in committing the alleged misappropriation since the year 2013 and he filed complaint in the year 2018 and as per the submission made by the petitioner's Sr. counsel the complainant himself is an accused in all the cases which have been lodged against the petitioner, considering all these facts and above submissions in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Complaint Case No.1348/2018.

(Shailendra Singh, J)

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