

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43192 of 2023

Arising Out of PS. Case No.-109 Year-2023 Thana- RAJGIR District- Nalanda

1. SHIV SHANKAR SHARMA Son of Late Rajnandan Sharma Resident of village - Sonchari, P.S. - Parwalpur, Distt. - Nalanda. At present resident of New Dangi Tola, P.S. - Rajgir, Distt. - Nalanda
2. Ruby Devi Wife of Shiv Shankar Sharma Resident of village - Sonchari, P.S. - Parwalpur, Distt. - Nalanda. At present resident of New Dangi Tola, P.S. - Rajgir, Distt. - Nalanda

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar, Adv
For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 06-09-2023 1. Heard learned counsel for the petitioners and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Rajgir P.S. Case No. 109 of 2023 registered for the offence punishable under Sections 406, 420, 506, 120B/34 of the Indian Penal Code.

3. As per allegation made in the FIR, the petitioner No. 1 is the Manager of informant's Petroleum Retail Outlet. It is alleged that some amount towards the tank lorry rent was being received. 60 percent of the amount was being deposited in the bank accounts of the informant's firm and 40 percent was being deposited in a fleet card. It is alleged that petitioner was the manager for the last 25 years. He himself exclusively retained the password of the fleet card and on demand being made for



accounts, has refused to give details of the amounts received through the fleet card. As per informant's own assessment, an amount of 40 to 45 lakh rupees has been misappropriated by the him.

4. The learned for the petitioners submits that four days prior to the FIR being lodged, the petitioner no. 2 had lodged Rajgir P.S. Case No. 102 of 2023, wherein she has alleged that her husband (petitioner No. 1) had gone to the petrol pump, whereafter he has gone missing. The prosecution case is only to divert attention from the FIR lodged by the petitioner no. 2. At best, the same gives rise to an issue of some accounting between the informant and petitioner no. 1, who is said to be the Manager since last 25 years; and during these last 25 years, there has been no allegation whatsoever against the petitioner no. 1. Both petitioners have no antecedents.

5. Learned APP for the State has opposed the prayer for pre-arrest bail.

6. Considering the rival submission, nature of allegations, raising issues of accountancy and the earlier case lodged by petitioner No. 2, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for anticipatory bail of the petitioners



is allowed.

7. Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bihar Sharif, Nalanda in connection with Rajgir P.S. Case No. 109 of 2023, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.
- (ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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