

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45082 of 2023

Arising Out of PS. Case No.-1439 Year-2022 Thana- COMPLAINT CASE District- Araria

1. Rakesh Kumar Mishra Son Of Paras Nath Mishra R/O Vill. Govindpur, Ps-Pratapganj, Dist- Supaul
2. Vijayanand Singh Son Of Nityanand Singh Resident Of Village- Narayanpur Ps- Bachhwara, Dist- Begusarai

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma, Advocate
For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 09-08-2023 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend arrest in a case registered for the offence punishable under sections 406/379/34 of the Indian Penal Code.

3. It is alleged that all the FIR named accused persons including these petitioners in connivance with each other embezzled bill of Rs.15 lacs and article worth rupees many lakhs.

4. It is submitted on behalf of the petitioners that the



petitioners are not named in the FIR. As a matter of fact, they are merely employees of the Delhivery Private Limited Centre. Denying the allegations made in the complaint, learned counsel submits that total Rs.17,13,584/- was lying due against complainant of the Delhivery Pvt. Ltd. On the direction of the authority of Delhivery Pvt. Ltd., petitioners inspected the centre of the complainant on 1.7.2020 and cash of Rs.7.5 laks and materials of Rs.2.68 lakhs was found less. Petitioner no. 1 lodged Narpatganj Police Station Case No. 441 of 2020 against complainant under sections 406/420 of the IPC in which complainant had to get regular bail by this Court. Instant case is counter blast of that case. Besides this, present complaint has been filed after inordinate delay of two years without any explanation which renders the entire prosecution case doubtful. Petitioners claim clean antecedent.

5. Considering the aforesaid facts of the case, prayer for bail of all the petitioners is allowed. In the event of arrest/surrender within six weeks from today, let these petitioners, mentioned above, be enlarged 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 Judicial Magistrate 1st class, Araria in Complaint Case No. 1439 of 2022, subject to



the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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