

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43509 of 2022

Arising Out of PS. Case No.-196 Year-2022 Thana- NATHNAGAR District- Bhagalpur

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Nitish Kumar Son Of Birendra Prasad Singh @ Birendra Kumar Singh R/O
Village- Beli, P.O.- Sripathar, Bela, P.S.- Dhauraiya, District- Banka, Pin-
813109

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar

For the Opposite Party/s : Mr. Ram Sumiran Rai

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

5 24-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with
Nathnagar (Lalmitya) P. S. Case No. 196 of 2022,
registered for the offences punishable under Sections 406
and 420 of the Indian Penal Code.

As per allegation, the petitioner has defalcated an
amount of Rs. 5,18,432/- from the company, in which he



was promoted to the post of Manager. It is further alleged that the said amount was defalcated when the accused-petitioner was Cashier in the said company.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. She further submits that the petitioner, initially, was the agent of the informant company. Thereafter, he joined the company as Cashier and thereafter promoted as Manager of the company. However, with intent to remove him from the post of Manager, false allegation has been levelled against him and he has been removed from the post of Manager. She also submits that there was no allegation at all while the petitioner was serving as Cashier of the company. She further submits that the petitioner is a red-card holder and he has no money at all to pay the alleged amount. Presently, he is unemployed on account of his removal from the Bank. She also submits that the petitioner will cooperate in the trial and the trial will not get hampered in case he is enlarged on bail.

He further submits that the petitioner has been



languishing in jail since 8th of June, 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 vehemently opposes the prayer of the petitioner for bail.

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. Chief Judicial Magistrate, Bhagalpur, in connection with Nathnagar (Lalmitya) P. S. Case No. 196 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 get hampered 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 bonds 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 bonds 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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