

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55816 of 2023

Arising Out of PS. Case No.-239 Year-2023 Thana- SHRIKRISHNAPURI District- Patna

Om Prakash Singh @ Bipul Kumar Singh Son Of Kamlesh Kumar Singh
Village Jokahari Ps Jamhore District Aurangabad, At Present Residing In The
House Of Lallu Singh At Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Adv. with Mr. Rakesh Kumar Sharma, Adv.
For the State	:	Mr. Chandra Bhushan Prasad, APP
For the Informant	:	Mr. Kaushal Kishore with Mr. Gaurav Kishore, Advocates

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 08-11-2023 Heard Mr. Ramakant Sharma, learned senior counsel,

duly assisted by Mr. Rakesh Kumar Sharma, learned counsel for
the petitioner and Mr. Chandra Bhushan Prasad, learned APP for
the State. The informant is represented by Mr. Gaurav Kishore,
learned counsel.

2. The petitioner is apprehending his arrest in
connection with S. K. Puri P.S. Case No. 239 of 2023 registered
for the offences punishable under Sections 406, 409, 420 and
120B/34 of the Indian Penal Code.

3. The prosecution case is based on the written report
of the informant, who happens to be the Senior Manager (HR)
of Dainik Bhaskar Newspaper. It is alleged that while the



petitioner was working as Bureau Chief of Dainik Bhaskar Unit at Aurangabad for the period 21.09.2017 to 06.05.2023, he in collusion with co-accused Vikash Kumar Singh, Sales Executive has misappropriated Rs. 8,77,744/-. Allegation has been made that the petitioner was under responsibility to collect news items and advertisement materials from interested persons to get it published in the Newspaper and after publication of the advertisement in the daily newspaper Dainik Bhaskar, he used to realize the payment from those persons and deposit in the account of Dainik Bhaskar. However, despite the advertisement having been published and money realized from the persons, the same has not been deposited in the account of Dainik Bhaskar and in this way he defrauded the informant Dainik Bhaskar and misappropriated the money.

4. It is submitted on behalf of the petitioner that the allegation leveled in the F.I.R. is out and out an afterthought, after the dispute having been raised by the petitioner with regard to his wages, which has not been allowed to the petitioner for the last one year, leading to his resignation. Learned senior counsel further submitted across the Board that on the last occasion taking note of the statements made in the F.I.R., disclosing the name of certain persons, who have disclosed that



they have paid money to the petitioner against their respective advertisements published in the daily newspaper Dainik Bhaskar, but the said money has not been deposited in the account of Dainik Bhaskar, case diary was called for. By referring to several paragraphs of the case diary, especially para nos. 27, 28, 31, 32, 33, 34, 42, 43 and 44 of the case diary, he submitted that all the persons, whose statements have been recorded by the investigating officer, have categorically denied that they have ever given any money to the petitioner, rather they have stated that either they have deposited the money in the account of Dainik Bhaskar or till date none has come to realize the money against the advertisement, which was published in the newspaper. Learned senior counsel further submits that the entire prosecution case is based on documentary evidence, which are under the custody of either the prosecution or the informant and, as such, there is no chance of tampering with the evidence. It is submitted that the petitioner has also filed a detailed representation before the Senior Superintendent of Police, Patna along with all the materials in order to show his innocence and malicious prosecution with ulterior motive. He lastly submits that the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation



and in case of need he would ensure his presence before the investigating officer.

5. On the other hand, learned counsel for the State as well as the informant opposed the bail application and submits that the prosecution case is not only confined to misappropriation of Rs.8,77,744/-, rather in course of enquiry, it came to the light that the loss caused to Dainik Bhaskar is raised up to Rs. 21,00,000/-. The persons, whose names have been cited by the petitioner are the persons, who have gained over by the petitioner and in case, anticipatory bail of the petitioner is allowed there is every chance of tampering with the evidence and intimidating the witnesses.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the entire case of the prosecution is based on documentary evidence and during the course of investigation, the witnesses as pointed out by the informant, have not supported the prosecution case, coupled with the fair antecedent, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten thousand) with two sureties of the like



amount each to the satisfaction of learned Sub-Divisional
Judicial Magistrate, Patna in S. K. Puri P.S. Case No. 239 of
2023, subject to the condition as laid down under Section 438(2)
of the Cr.P.C. with the further condition that one of the bailers
shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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