

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56377 of 2022

Arising Out of PS. Case No.-49 Year-2022 Thana- KASBA District- Purnia

1. GAURAV SHEKHAR RAJ @ GOURAV SEKHAR RAJ Son of Sri Awadh Kumar Mishra Resident of Mohalla - Madhubani Chowk, P.S.- Madhubani, District - Purnia.
2. Rajesh Kumar Son of Sri Girish Prasad Sinha @ Girish Prasad Resident of Mohalla - Rajendra Nagar, P.S.- Madhubani, District - Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. D. K. Sinha, Sr. advocate Mr. Ashish
For the State	:	Mr. Manoj Kumar
For the Opposite Party No.2:	:	Mr. N. K. Agrawal, Sr. advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

10 28-07-2023 Heard learned counsel for the parties.

2. Petitioners apprehend their arrest in a case registered for the offence punishable under Section 409, 120B/34 of the Indian Penal Code.

3. As per the prosecution case, these petitioners being employees of the company after hatching a conspiracy committed forgery in the records of the company and did not furnish the account of actual supply and also prepared forged documents for supply but the supply was not done and it is alleged that they embezzled Rs. 4,72,08, 357/- of the company.

4. Learned counsel appearing for the petitioners



submits that petitioners are innocent and have falsely been implicated in the case. It is further submitted that with similar allegation, the complainant filed Complaint case No. 883/ 2021 dated 09/08/2021 but the same was withdrawn vide order dated 21/12/2021. It is next submitted that petitioner No.1 was Purchase Manager and his duty was to verify the maize before purchase and petitioner No.2 was Accountant entrusted with duty to maintain the books of accounts but without assigning any role the petitioners have been made accused by the company official in order to save their skin and to defend their illegal conducts and gain. It is also submitted that payment to the traders was made by the company and none of the petitioners was signing authority or the custodian of the company's money but they have been made accused on the basis of false and fabricated allegation and conspiracy by the company officials.

5. Learned senior counsel appearing for the Complainant vehemently opposed the prayer for anticipatory bail.

6. Considering the facts of the case and nature of accusation against the petitioners, let the petitioners, above named, in the event of their arrest/ surrender within a period of



six weeks from today shall be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sessions Judge, Purnea in connection with Kasba PS case No.49/ 2022, subject to conditions laid down u/s 438(2) of the Cr. P. C.

(Prabhat Kumar Singh, J)

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