

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.58400 of 2023**

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

VIKASH SINGH @ VIKASH KUMAR SINGH, aged about 37 years, Male,  
SON OF ANJANI KUMAR SINGH RESIDENT OF VILLAGE- SHIVPUR,  
PS- BIKARMGANJ, DIST- ROHTAS

... .. Petitioner/s

Versus

1. The State of Bihar  
2. Abhishek Lutoria, Senior Manager, H.R. Dainik Bhaskar, Aajad Bhawan,  
23. B, West Boring Kanal Road, Near Bikaner Sweets, Patna

... .. Opposite Party/s

**Appearance :**

|                          |   |                                   |
|--------------------------|---|-----------------------------------|
| For the Petitioner/s     | : | Mr. Prabhat Kumar Singh, Advocate |
| For the Opposite Party/s | : | Mr. Harendra Prasad, APP          |
| For the O.P. No.2        | : | Mr. Gaurav Kishore, Advocate      |

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**

ORAL ORDER

3      06-12-2023                      Heard Mr. Prabhat Kumar Singh, learned counsel  
  
appearing on behalf of the petitioner; Mr. Harendra Prasad  
  
learned APP for the State and Mr. Gaurav Kishore, learned  
  
counsel for the informant.

2. The petitioner seeks pre-arrest bail in connection  
with S.K.Puri P.S. Case No. 239 of 2023 dated 14.05.2023  
registered for the offence(s) punishable under Sections 406, 409,  
420, 120(B)/34 of the Indian Penal Code.

3. As per the allegation made in the FIR against the  
petitioner is that of committing forgery of Rs.80,750/- posing  
himself to be the employee of the Dainik Bhashkar, which is a  
news daily published by D.B. Corporation Limited. The  
allegation is that the petitioner had collected money from Gyan



Jyoti Shikshan Kendra, Dauadnagar, Adani International School, Gopalbabu Alankar Jewellers and Hotel Parvati Inn along with other co-accused, namely, Om Prakash Singh, against whom allegation is of committing forgery of Rs.4,56,801/-, putting loss of Rs.8,77,744/-.

4. Mr. Prabhat Kumar Singh, learned counsel appearing on behalf of the petitioner, submitted that no allegation has been made by the persons, who had alleged that they had given money to the petitioner for getting their advertisement in daily news paper Daink Bhaskar. The informant, who is the senior Human Resource Manager, has not been able to collect any documentary evidence from the aggrieved persons in support of the allegation made against the petitioner. Learned counsel further submits that the petitioner has tendered his resignation on 30.10.2021 and thereafter he had no relationship with the company nor he is indulged in any sort of collection of the money or committing fraud rather due to some enmity with the informant, the petitioner has been dragged in a false case and the Senior Human Resource Manager has diminished the goodwill of the company to save his own job. Petitioner has clean antecedent. Petitioner undertakes that he will not involve in criminal activities in



future and to that effect, he is ready to file his personal affidavit along with two respectable persons of the village where he resides.

5. Mr. Gaurav Kishore, learned counsel, has tendered his appearance on behalf of the opposite party no.2. He submits that on the basis of oral complaint made by the customers of the company, the FiR was lodged. This Court has made a query as to whether the customers have been able to provide him the accounts and the returns with respect to the expenditures for the concerned financial year or for the quarter for which, such expenditures were made by the customers of the newspaper company. Learned counsel, in absence of any evidence to that effect, has not been able to satisfy the query of this Court.

6. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

7. Having considered the rival submissions made on behalf of the parties and the allegation made in the FIR, it appears that the petitioner has embezzled Rs.80,750/- on account of collecting money for advertisement in the news paper Dainik Bhaskar for which he was paid by customers of the company. Petitioner has made a specific statement that he



has resigned and the said fact is also substantiated from the allegation made in the FIR where it is mentioned that the petitioner was on parole basis in the company for the period 30.09.2019 till 30.12.2021. No written complaint has been brought along with the FIR made by the customers of the company to substantiate the allegation made against the petitioner. If any amount has been not paid by the petitioner, the same can be realized by the company by filing an appropriate civil case. Petitioner has clean antecedent.

8. Considering the facts and circumstances of the case, and also the fact that petitioner is also ready to give his undertaking that he will not involve in criminal activities in future by filing affidavit along with two respectable persons of the village where he resides, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

9. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Patna in connection with S.K.



Puri P.S. Case No. 239 of 2023, subject to the conditions as laid  
down under Section 438(2) of the Cr.P.C.

**(Purnendu Singh, J)**

Sanjay/-

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