

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59240 of 2023

Arising Out of PS. Case No.-663 Year-2023 Thana- NAWADA District- Nawada

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Akash Kumar Son of Prasadi Ram Resident of Village-Menpur (Meyapur),
Pachgaon, Chhoti Amawa, P.S.-Akbarpur, District-Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 13-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Nawada P.S. Case No. 663 of 2023, registered on 30.04.2023 for the offences under Sections 420, 406, 381, 467, 468, 471/34 of the Indian Penal Code.

3. As per prosecution case, petitioner and other co-accused persons, who had been working in the shop of the informant, committed fraud and defalcated about 35 to 40 lakhs



rupees collectively from the earnings of the shop showing less amount on account of payment of bill by the customers.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case and general and omnibus allegations have been levelled against him and others. No specific allegation showing misappropriation or defalcation by this petitioner has been made except saying that he misappropriated rupees 5-6 lakhs of the shop by committing forgery in the bills of the shop. The petitioner had been working as a junior staff and he has no idea or knowledge about misappropriation of any money. The petitioner has not taken a single penny from the shop of the informant for his wrongful gain. Further the informant has himself made allegation against co-accused Diyush Raj to be master mind in the illegal financial activities committed in the shop of the informant. There is no direct or indirect allegation against the petitioner. Co-accused Diyush Raj and Sandeep Kumar have been granted anticipatory bail by different Co-ordinate Benches vide orders dated 22.08.2023 and 18.10.2023 passed in Cr. Misc. Nos. 44595 of 2023 and 64295 of 2023, respectively. The petitioner has got no criminal antecedent.

5. Learned APP opposes the submission made on



behalf of the petitioner. Learned APP submits that the specific allegation has been levelled against the petitioner while working as Cashier, he committed fraud and defalcated amount of rupees 5-6 lakhs.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the absence of detail, non-specific allegation against the petitioner and also grant of anticipatory bail to other co-accused persons, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada/concerned court in connection with Nawada P.S. Case No. 663 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the



court below, if so required by the
learned trial court.

(Arun Kumar Jha, J)

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