

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64787 of 2022

Arising Out of PS. Case No.-141 Year-2022 Thana- MIRGANJ District- Gopalganj

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Rajan Kumar 5118159 @ Rajan Kumar Son of Jitendra Prasad Resident of
Village- Sohagpur, P.S.- Hathua, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Rai, Advocate

For the Opposite Party/s : Md. Shakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-02-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Mirganj
P.S. Case No. 141 of 2022 registered for the offence under
Sections 406 and 420 of the Indian Penal Code (for short
'I.P.C.').

The accused/petitioner is named in the F.I.R. and is in
custody since 05.09.2022.

The allegation against the petitioner is to involve in
criminal misappropriation and cheating of Rs. 2,56,000/-
(Rupees Two Fifty-six Thousand), which was not deposited in
different ATM of the locality within period of 11-15 February,



2022.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was falsely implicated in this case, where F.I.R. of the occurrence was lodged after unexplained delay of 87 days. It is also submitted that the entire implication is on the basis of suspicion as on the daily basis after depositing the cash in ATM, the statement obtained after loading the cash was duly deposited with concern authority by this petitioner, leaving no room for any misappropriation. It is also pointed out that details of ATM is not available as per F.I.R. and, as such, entire implication is based upon suspicion. While concluding the argument, it has been submitted that petitioner found involved in one case, where he is on bail and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP for the State opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as F.I.R. lodged after 87 days of unexplained delay, where details of ATM are also not available through F.I.R. coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be



released on bail in connection with Mirganj P.S. Case No. 141 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XV, Gopalganj/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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