

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.256 of 2023

Arising Out of PS. Case No.-283 Year-2022 Thana- GOVINDGANJ District- East
Champaran

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YASHWANT KUMAR SON OF AWADHESH SINGH R/O VILLAGE-
RUPAULI, P.S.- SARAIYA, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Adv.
For the Opposite Party/s : Mr. Amit Kumar Rakesh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 29-04-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Govindganj P.S. Case no.283 of 2022 registered under sections 406 and 420 of the Indian Penal Code.

3. As per the prosecution case, it is stated by the informant that the petitioner was an employee in the firm of the informant. He used to work as a collection agent. Soon he gained the confidence of the informant and the informant started relying on him, more heavily on financial matters. A number of vehicles were purchased in his name. It is thereafter stated that the said petitioner started to defalcate various amounts and ultimately it transpired that he had defalcated a total amount of



Rs.18 lacs approx.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. From the contents of the F.I.R. itself, it would transpire that the petitioner was working for the informant and there is dispute for reasons other than what has been narrated in the F.I.R. No criminal offence is made out from the allegations made therein. The petitioner is in custody since 5.7.2022 and subsequent to the instant case, a number of cases have been lodged against him at the instance of the informant. Chargesheet has been submitted in the case.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant referring to the contents of the F.I.R. submits that not only the petitioner is named in the F.I.R. but there is allegation against the petitioner of having defalcated huge amount of money from the firm of the informant. Thus, a case under sections 420 and 406 of the Indian Penal Code is made out.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation as narrated in the F.I.R., the allegation relating to transaction of money



between the employer and the employee together with the petitioner having remained in custody for 9 months since 5.7.2022 and chargesheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Govindganj P.S. Case no.283 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 the learned A.C.J.M. 1st, East Champaran at Motihari.

(Partha Sarthy, J)

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