IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6322 of 2024

Arising Out of PS. Case No.-426 Year-2021 Thana- SIWAN CITY District- Siwan

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1. Jai Shankar S/o- Dhruv Prasad Resident of village- Sohagpur P.S. Hathua District- Gopalganj
2. Shailesh Kumar son of Ashok Sah Resident of village- Sohagpur P.S. Hathua District- Gopalganj

... ... Petitioner/s

Versus

The State of Bihar Resident of village- Sohagpur P.S. Hathua District- Gopalganj

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Ajay Kumar Pandey, Adv.
For the Opposite Party/s : Mrs. Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 30-04-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Siwan Town P.S. Case No. 426 of 2021 dated 13.08.2021 registered for the offences punishable u/ss 420, 409 read with Section 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioners are alleged to have embezzled Rs. 11 lakhs after tampering the A.T.M. and due to that company incurred heavy loss.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The occurrence took place on 05.06.2021 but the F.I.R. was lodged on 13.08.2021 after a delay of two months and there is no explanation for the same. The petitioners have no concern with the alleged offence. The petitioners have one criminal antecedent as stated in para 3 of the bail petition. The petitioners are in custody since 24.04.2023.

5. Learned A.P.P. for the State has opposed the bail petition of the petitioners and submitted that the specific allegation against the petitioners is that they embezzled Rs. 11 lakhs after tampering the A.T.M. as the petitioners were the custodians of the company Secure Value India Ltd, Muzaffarpur and they were on duty to withdraw cash from Punjab National Bank, Siwan and to feed the same cash in the A.T.M. It is further submitted that previously, the petitioners committed embezzlement of Rs. 21 lakhs from the A.T.M. of the Canara Bank for which an F.I.R. was also lodged.

6. Considering the aforesaid facts and circumstances of the case as well as finding force in the contention of learned counsel for the State, I am not inclined to enlarge the petitioners above-named on bail.

7. Learned Trial Court is directed to expedite the trial and conclude the same preferably within a period of 9 months.

8. The application stands rejected.

(Chandra Prakash Singh, J)

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