

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39362 of 2023

Arising Out of PS. Case No.-125 Year-2014 Thana- PANCHRUKHI District- Siwan

SUMIT KUMAR Son of Anirudh Prasad @ Anirudh kumar Resident of
Muhalla - Shri Ram Nagar, ward no. 26, P.S. - Gopalganj Town, Distt. -
Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 5 26-10-2024 **1.** Heard Mr. Ajay Kumar Pandey, learned counsel
for the petitioner and Mr. Parmanand Kumar, learned APP for
the State.
- 2.** The petitioner apprehends his arrest in connection
with Pachrukhi P.S. Case No. 125 of 2014 dated 23.04.2014
registered for the offence(s) punishable under Section(s) 406,
409/34 of the Indian Penal Code.
- 3.** The main submissions advanced by the learned
counsel for the petitioner are that the petitioner has fair and
clean antecedent, in the FIR with regard to the alleged
embezzlement of government funds, the main allegation is
against one Shambhu Yadav, husband of the *Mukhiya* and Junior
Engineer, and petitioner's name does not find place in the FIR



with regard to his involvement in the commission of the alleged embezzlement, the petitioner was posted as Panchayat Technical Assistant at the concerned Panchayat and he had no concern with regard to the alleged withdrawals of the excess amount and misappropriation of that fund and he also had no concern with regard to the alleged incomplete sanctioned work. It is further submitted that co-accused Chandradeo Kumar, Junior Engineer, who is named in the FIR and against him there is specific allegation as to having remained involved with the other co-accused persons in committing the alleged occurrence of embezzlement, has been granted anticipatory bail by the trial court and the case of this petitioner stands on better footing from him.

4. Learned APP appearing for the State has opposed the bail prayer of the petitioner.

5. Considering the facts and circumstances of this case as well as above submissions and coupled with the petitioner's fair and clean antecedent and also the nature of allegation appearing against him, this court is inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks



from today, be released on anticipatory bail in connection with Pachrukhi P.S. Case No. 125 of 2014 on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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