

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.47058 of 2024**

Arising Out of PS. Case No.-4136 Year-2022 Thana- PATNA COMPLAINT CASE District-  
Patna

Bindu Shekhar S/o Sachidanand Singh R/o West Lohanipur Near Kathpul,  
P.S.-Kadamkuan, District-Patna

... .. Petitioner/s

Versus

1. The State of Bihar
  2. Amrika Prasad S/o Late Jaynandan Prasad R/o ufarpura, P.S.-Phulwarisharif,  
District-Patna (Director, Prathmesh Infra Solution Private Limited)
- ... .. Opposite Party/s

**Appearance :**

|                          |   |                                                                 |
|--------------------------|---|-----------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Sanjeev Kumar, Advocate<br>Mr.Pravashankar Mishra, Advocate |
| For the Opposite Party/s | : | Mr.Ashok Kumar Singh, APP                                       |

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

3      25-09-2024                      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 Complaint Case No. 4136(C) of 2022, filed on 29.03.2022 for the offences under Sections 406, 420, 120B of the Indian Penal Code, wherein processes have been directed to be issued after cognizance being taken for the offences under Section 406 of the Indian Penal Code.

3. As per prosecution case, the complainant made complaint against the petitioner and co-accused Manager of Punjab National Bank for illegally withdrawing Rs.38,80,000/-



from the account of the complainant.

4. Learned counsel for the petitioner submits that the petitioner is one of the Directors of Prathmesh Infra Solution Private Limited and the account claimed by the complainant as his own was a joint account being operated in the joint name of the petitioner and the complainant. The complainant was also a Director in the aforesaid company but he was removed with effect from 29.03.2019. The petitioner has been authorized by the Board of Directors vide authorization letter dated 02.01.2018 to operate and authorize all the bank related documents including money deposit, withdrawal and to sign for and on behalf of the company the necessary forms and documents. There is no illegal withdrawal from the account. Moreover, the account is not account of the individual rather it is a company account. Learned counsel further submits that the complaint petition is completely vague and no details have been provided as to how the petitioner is involved in the illegal withdrawal of the money. Learned counsel further submits that there is no application of Section 406 IPC in the present case as there was no entrustment and there is no dishonest misappropriation. Moreover, the liability could not be fastened upon the employee of the company unless the company itself is



made accused and it is not the case in the complaint. The complainant is, perhaps, aggrieved by the fact that the petitioner might be involved in removal of the complainant from the Directorship of the company. The petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the completely vague nature of allegation and further considering the status of the petitioner in the company and authority being exercised by the petitioner and also considering the possibility of false implication, 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.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna/concerned court in connection with Complaint Case No. 4136(C) of 2022, 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)

DKS/-

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