**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**CRIMINAL MISCELLANEOUS No.52002 of 2024**

Arising Out of PS. Case No.-230 Year-2022 Thana- BAGHA District- West Champaran

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Shree Ram Kumar @ Sriram Kumar @ Shree Ram Kukmar, Son of Prem Chandra Sah, R/O- Village- Jura Pakari, P.S.- Bhairoganj, Distt.- West Champaran

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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**Appearance :**
For the Petitioner/s : Mr. Milind Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**
ORAL ORDER

3 27-09-2024 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Bagaha Police Station Case No. 230 of 2022, dated 05.04.2022, disclosing offences punishable under Sections 406, 420, 34 of the Indian Penal Code.

3. The prosecution case, as per the First Information Report, is that the petitioner along with other co-accused persons defalcated total sum of Rs. 6,39,761/- of the company which was collected from the borrowers of the company by co-accused persons, but it was not credited in the account of the company.

4. Learned counsel for the petitioner submits that the

petitioner has not committed any offence in the manner alleged and as per the FIR, defalcation of the company’s money collected from the borrowers was done by the co-accused persons, Vicky Kumar and Kanhaiya Kumar, during the period of 01.06.2021 to 20.01.2022. As per the FIR, co-accused Kanhaiya Kumar collected a sum of Rs. 2,86,143/- from eleven borrowers and co-accused Vicky Kumar collected Rs. 3,53,618/- from six borrowers in a particular meeting, but the sum was not deposited in the account of the company. In the FIR, specific allegation of not depositing the collected amount is against the co-accused persons and this Court has granted anticipatory bail to co-accused Vicky Kumar, subject to the condition of refund of Rs. 3,53,618 in the account of the company, vide order, dated 17.05.2023, passed in Criminal Misc No. 4867 of 2023. The petitioner was transferred from the post of Manager on 07.11.2021 and after his transfer, the new Manager assumed the charge and in his tenure, the present defalcation has come to light. The petitioner was not aware about the collection of the money by the co-accused persons from the borrowers and in the FIR, only suspicion has been raised regarding the connivance of the petitioner.

5. Regards being had to the submissions made on

behalf of the parties and taking into consideration the fact that there is specific allegation of collection of money from the borrowers by the co-accused persons and one of the co-accused, Vikky Kumar, has been granted bail on his undertaking to refund a sum of Rs. 3,53,618/- to the company, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Bagaha, West Champaran, in connection with Bagaha Police Station Case No. 230 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

**(Anil Kumar Sinha, J)**

Jyoti Kumari/-

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