

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58697 of 2023

Arising Out of PS. Case No.-496 Year-2022 Thana- GANDHIMAIDAN District- Patna

Amit Kumar Singh Son Of Birendra Singh Resident Of Village- 225, C.H. School Road, Near Poornima Talkies, Jhumari Taliya, Ps- Jhumari Taliya, Dist- Kodarma, State- Jharkhand, Presently Residing At Raghapur, Po- Dumari Bujrung, Ps- Nayagoan, Distt- Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manish Kumar Singh Son Of Late Ishwari Singh Resident Of Village- Pahariya , Po- Pahariya, Ps- Nauhatta, Distt- Rohtas, Presently Posted At Officer Incharge, Biscoman Headquater, Gandhi Maidan, Distt- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Soni Shrivastava, Advocate Mr. Ayush Kumar, Advocate Mr. Ravi Bhardwaj, Advocate
For the Opposite Party/s	:	Mr. Chandra Bhushan Prasad, APP
For the BISCOMAN	:	Mr. Ashish Giri, Advocate Mr. Sumit Kumar Jha, Advocate Ms. Riya Giri, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 06-03-2024 1. Heard learned counsel for the petitioner, learned APP for the State and learned counsel appearing on behalf of BISCOMAN.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 409, 420, 467, 468, 471, 120B/34 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that petitioner is a person with clean antecedent and has falsely been implicated in the instant case by the informant with an



allegation that the accused persons including the petitioner in connivance fraudulently transferred money in account of different persons on the name of ex-employees of BISCOMAN. The learned counsel for the petitioner next submits that in sum and substance the allegation is that the accused persons including the petitioner defalcated an amount of Rs.31,19, 791/-. It is further submitted that out of Rs.31,19, 791/- an amount of Rs.24,43,511/- was transferred in the account of Sanoj Kumar and his wife out of which Rs.4,90,187/- was credited in the account of the wife of Sanoj Kumar. It is further submitted that an amount of Rs.35,000/- was also credited in the account of one Abhinav Kumar who is alleged to be a friend of this petitioner. It is further submitted that an amount of Rs.6,41,280/- was credited in the account of Suraj Prakash Kumar an ex-employee of BISCOMAN.

4. The learned counsel for the petitioner next submits that petitioner was not posted as Accountant in BISCOMAN rather was an Assistant Accountant. It is also submitted that even presuming what has been alleged is true without admitting then it transpired that the money was embezzled boldly by Sanoj Kumar who was posted as Accountant as an amount of Rs.24,43,511/- was credited in his account along with his wife.



It is further submitted that though during the course of investigation it has come that Abhinav Kumar is friend of this petitioner, but then the petitioner denies as any statement made before the police is not admissible in evidence. It is also submitted that nearly Rs.30,80,000/- was credited in the account of Sanoj, his wife and Suraj and if the petitioner would have been involved in the occurrence then definitely the amount would have also been credited in his account, but then submits that petitioner will not abscond rather will cooperate in the investigation.

5. The learned APP along with learned counsel appearing on behalf of the BISCAMAN opposes the submission made by the learned counsel for the petitioner, but then are not in a position to rebut the submission of the learned counsel for the petitioner that Rs.30 lac and odd was deposited in the account of Sanoj and Suraj and Rs.35,000/- in the account of Abhinav and no money was credited in the account of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail



on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Patna in connection with Gandhi Maidan P.S. Case No.496 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that petitioner despite giving assurance to this Court is not cooperating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bond of the petitioner.

8. It is further made clear that if the police after investigation submits charge sheet connecting the petitioner with the offence, in that event, the present anticipatory bail order shall loose its effect.

9. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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