

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78650 of 2024

Arising Out of PS. Case No.-16 Year-2021 Thana- PATLIPUTRA District- Patna

Sanjay Kumar Sinha S/O Late J.P. Sinha R/O Ground floor, Block A, Anand Vihar Complex, Road No. 1, New Patliputra Colony, P.S- Patliputra, District -Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Neerad Parashar, Advocate
For the Opposite Party/s	:	Mr. Ram Naresh Ray, A.P.P.
For the Informant	:	Mr. Anup Kr. Sinha, Advocate
		Mr. Sunil Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 20-12-2024 Heard learned counsel for the petitioner, informant and learned A.P.P. for the State.

2. Petitioner seeks regular bail in connection with Patliputra Town P. S. Case No. 16/2021 in a case registered for the offence punishable under Sections 419, 420, 467, 468, 471, 379 of the Indian Penal Code.

3. As per the prosecution case, this petitioner is alleged to have defalcated Rs. 40 lacs of M/s Mikki Anand Buildcon Pvt. Ltd and informant is Director of the said company.

4. Earlier, petitioner moved before this Hon'ble Court for bail *vide* Cr. Misc. No. 71056/2021 and was allowed



provisional bail *vide* order dated 21.04.2022 with condition that petitioner will deposit Rs. 1 Lakh in the account of the complainant within one week of his release and the rest amount will be paid in five installments within a year but petitioner could not adhere to the direction of this Hon'ble Court and he could only deposit Rs. 1 Lakh in the account of the complainant. Therefore, petitioner was arrested and sent to jail and now petitioner is renewing his prayer for bail.

5. Learned counsel for the petitioner further submits that petitioner has been working with M/s Mikki Anand Buildcon Pvt. Ltd for last 18 years as Manager-cum-Accountant and his responsibilities were confined to the management of only one of the company's accounts i.e. A/c No. 01741300002836. The other account, crucial for complete financial picture, was beyond his operational control. Cognizant of this fact, petitioner repeatedly implored the IO to requisite the information pertaining to second account from the company but despite his persistent efforts and requests, IO refused to listen to demand of the petitioner. In this regard, petitioner has also filed an application before the learned court below under Section 91 Cr.P.C. The audit of company's accounts is being conducted by M/s Saba & Company for the past 15 years and any



discrepancies in the financial statements should have been detected by the auditors. Petitioner is in custody since 16.05.2024 and chargesheet has already been submitted. Petitioner claims clean antecedent.

6. Learned A.P.P. for the State as well as learned counsel for the informant vehemently opposed the bail application.

7. Considering the aforesaid facts and circumstances of the case and period of custody, the bail application is allowed. Let the above named petitioner 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 Sub Judge-cum-Additional Chief Judicial Magistrate-X, Patna in connection with Patliputra Town P. S. Case No. 16/2021.

(Prabhat Kumar Singh, J)

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