

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75982 of 2024

Arising Out of PS. Case No.-141 Year-2021 Thana- JAMOBABAZAR District- Siwan

Umesh Kumar Prasad @ Umesh Prasad S/o Rameshwar Sah @ Rameshwar Prasad Resident of Gopalpur Kothi, Police Station- Basantpur, Distt.- Siwan, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhijeet Abhigyan, Adv. Mr. Gaurav Kumar, Adv. Mr. Sandeep Kumar, Adv.
For the Opposite Party/s :		Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 05-12-2024 Heard Learned Counsel for the petitioner and Learned APP for the State.

2. The petitioner is apprehending arrest in connection with Jamo Bazar P.S. Case No. 141 of 2021 lodged on 03.10.2021, for the offences punishable under Sections 406, 420, 467, 468, 471 & 34 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against petitioner and one other accused person with allegation that they have defalcated the money amounting to Rs.78,856/- including saving bank account deposit of Rs.15,000/-.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel



submits that after investigation, final form has come against him by the Investigating Officer which is annexed as Annexure-P/3. Counsel further submits that subsequently, Trial Court has taken cognizance against both the accused persons on 22.06.2022 and thereafter, petitioner has moved for bail. Counsel submits that other co-accused person has been granted bail by this Court *vide* order dated 20.09.2022 passed in Cr. Misc. No.26483 of 2022. Counsel further submits that the criminal antecedent of the petitioner is not clean as there is one criminal case pending against him in which he is on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that defalcation of money has taken place in the bank where petitioner was working as Manager.

6. Upon the specific query of the Court from the counsel for petitioner that whether petitioner has been declared absconder in this case or not, counsel submits that he is not declared absconder in this case.

7. As such, considering the aforesaid facts and circumstances, let the above named petitioner be released on bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond



of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of the A.C.J.M.-X, Siwan in connection with Jamo Bazar P.S. Case No. 141 of 2021, subject to the conditions as laid down under Section 438(2) Cr.P.C.

8. It is made clear that Trial Court at the time of accepting the bail bond shall verify that whether petitioner is absconding in this case or not. If, it has been found that the petitioner is absconding in this case, then in that case, bail granted by this Court shall not help the petitioner in any manner.

(Dr. Anshuman, J)

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