

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77002 of 2023

Arising Out of PS. Case No.-626 Year-2021 Thana- BHAGWAN BAZAR District- Saran

Dhiraj Kumar @ Dhiraj Kumar Agarwal Son of Dinesh Chandra Agrwal
Resident of Village - Daulatganj, P.S Bhagwan Bazar District Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Amarendra Kumar, Adv.
For the Opposite Party/s :	Mr.Pawan Kumar Chaurasia, APP
For the Informant :	Mr. Vinay Kumar Mishra, Adv.
	Mr. Shashi Shekhar Tiwary, Adv.
	Mr. Isha Ranjan Pandey, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 15-05-2024 Heard learned counsel for the petitioner and learned

APP for the State as also counsel for the Informant. Perused the

case diary.

2. The petitioner seeks bail in connection with

Bhagwan Bazar P.S. Case No. 626 of 2021 instituted for the

offences under Sections 420, 406 of the Indian Penal Code.

3. The allegation against the petitioner is of

embezzlement of about Rs. 70 lakhs from the Informant's

family and more than crores of rupees from different persons.

4. Learned counsel for the petitioner submits that

the petitioner is innocent and has committed no offence as

alleged against him and has falsely been implicated in the



present case. The petitioner is a retired Head of Physics Department, Rajendra College, Chapra. There is no specific and direct allegation against the petitioner rather the same is omnibus and general in nature. There is also no corroborative evidence against the petitioner. There is no independent witness in this case to support the prosecution case. There is no eye-witness to the alleged occurrence. The petitioner has two criminal antecedents as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 25.11.2021.

5. On the other hand, the learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the allegation made against the petitioner is serious in nature.

6. Pursuant to the order of this Court, the court below has sent its reported dated 18.04.2024. From perusal of the report, it appears that the case is at the stage of evidence. Five witnesses are yet to be examined and the expected duration that will be taken to conclude the trial is approximately six months.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as



also taking into account the report sent by the learned Trial court, this Court is not inclined to grant bail to the petitioner at this stage.

8. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same within a period of six months from the date of receipt/production of a copy of this order.

9. If the trial is not concluded within the aforesaid period of six months, the petitioner will be at liberty to renew his prayer for bail before the court below which will be disposed of on its merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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