

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83630 of 2023

Arising Out of PS. Case No.-645 Year-2022 Thana- KHAJANCHI HAT District- Purnia

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DIBYESH DIPENKAR @ DIBYESH DIPANKAR S/O NAGENDRA LAL
DAS @ NAGENDRA LAL KARN RESIDENT OF VILLAGE- PACHAHI,
P.S. MADHEPUR, DIST.- MADHUBANI

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vishwajeet Anand S/O Vivekanand Sah Resident of Mohalla- Renunagar,
College Road, P.S.-K. Hat, District-Purnea.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ugranath Mallik, Advocate
For the Opposite Party/s : Mr. Kanhiya Kishor , APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 19-03-2024 Heard learned counsel for the petitioner and

the State.

2. Petitioner apprehends arrest in a case

registered for the offence punishable under section 406

and 420 of I. P . C .

3. As per FIR, this petitioner under conspiracy

with other co-accused persons defalcated the amount of

Rs. 17,59,956/- of the informant during business

transaction .



4. It is submitted on behalf of the petitioner that the entire prosecution case is false and concocted. As a matter of fact, petitioner started working in February 2021 in the company of the informant but the joining letter of the petitioner was not issued by the company even after lapses of several months. Due to such irresponsible attitude and culture, a hot discussion took place between the M.D. of the company and this petitioner. Hence, petitioner has no option but had to leave the company and as such he left the company in february 2022. Petitioner was not involved in any agreement executed between the informant or distribution and the company. In fact, petitioner has not committed any fraud or defalcated the alleged amount.

5. Learned counsel for the State vehemently opposes the prayer for bail and submits that there is specific allegation against this petitioner that under conspiracy with other co-accused person had defalcated the total amount of Rs. 17,59,956/- of the informant during business transaction. During investigation, the



petitioner was found missing from his address. He further submits that witnesses in para 8 and 9 of the case diary have supported the prosecution case .

6. Considering the nature of accusation and gravity of offence , prayer for pre-arrest bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

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