

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.1584 of 2024**

Arising Out of PS. Case No.-139 Year-2020 Thana- ALAMNAGAR District- Madhepura

Janardan Sah, aged about 64 years, Male, Son Of Sri Chamaklaal Sah,  
Resident of Baisa Tola, Alamnagar, P.S.- Alamnagar, District- Madhepura  
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Satish Kumar Singh, Advocate  
For the Opposite Party/s : Ms. Gulnar Begum, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      31-01-2024                      Heard Mr. Satish Kumar Singh, learned counsel  
  
appearing on behalf of the petitioner and Ms. Gulnar Begum,  
  
learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection  
with Alamnagar P.S. Case No. 139 of 2020 dated 28.06.2020,  
registered for the offence punishable under Sections 406, 409  
and 420 of the Indian Penal Code.

3. As per the allegation made in the FIR, the audit  
team has submitted a report dated 05.03.2020 that on account of  
managerial cost there is misappropriation of public money by  
the bank officials.

4. Learned counsel appearing on behalf of the  
petitioner submitted that petitioner was engaged as a daily  
wager on the post of peon and he has no concern with the  
management of the bank and its fund. From the audit report  
itself it appears that the allegation is of misappropriation of



public money on account of managerial cost and other expenses which has not been well counted by the officers of the bank. Petitioner being peon is not in any manner concerned with the expenditure of the money. He further submitted that a similarly situated co-accused, namely, Manish Kumar, has already been released on bail by a co-ordinate Bench of this Court vide order dated 23.08.2023 passed in CWJC No. 54637 of 2023. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR against the petitioner and the fact that petitioner was engaged as a daily wager on the post of peon and he has no concern with the management of the bank and its fund. From the audit report itself it appears that the allegation is of misappropriation of public money on account of managerial cost and other expenses which has not been well accounted by the officers of the bank. Petitioner being peon is not in any manner concerned with the expenditure of the money. He further submitted that a similarly situated co-accused, namely, Manish Kumar, has already been released on bail by a co-ordinate



Bench of this Court vide order dated 23.08.2023 passed in CWJC No. 54637 of 2023. Petitioner has clean antecedent. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate First Class Udakishunganj, District-Madhepura, in connection with Alamnagar P.S. Case No. 139 of 2020 dated 28.06.2020, subject to the verification of the fact that, as to whether, the petitioner is employed as a daily wager and other condition as laid down under Section 438(2) of the Cr.P.C.

8. **The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.**

**(Purnendu Singh, J)**

Niraj/-

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