

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2620 of 2025

Arising Out of PS. Case No.-129 Year-2024 Thana- PAHARKATTA District- Kishanganj

1. Sanjog Kumar Mallick Son of Moti Mallick Resident of 104, Ashutosh Mukharjee Road, Bhawanipur, Kolkata (West Bengal)
2. Abhishek Kumar Sah Son of Vijay Kumar Sah Resident of Titagarh Behind Laxmi Cinema, P.S. - Titagarh, Bairakpur Police Commissionerate, West Bengal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Dhanendra Chaubey, Advocate
For the State	:	Ms. Suman Kumari Singh, APP
For the Informant	:	Mr. Prabhakar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 06-03-2025 Heard learned counsel for the petitioners and learned APP for the State as also learned counsel for the informant-bank.

2. The petitioners seek bail in connection with Paharkatta P.S. Case No. 129 of 2024 instituted for the offence under Sections 318(4), 316(2), 316(5) & 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. Prosecution case in a nutshell is that on 19-11-2024, Branch Manager found a cash shortage of Rs. 7,94,900/- at Chhatargachh Branch. The discrepancy was unexplained, raising suspicion of fund misappropriation.

4. It has been submitted on behalf of the petitioners



that the petitioners are in custody since 20-11-2024. Petitioners bear no criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioners' counsel that petitioners have been falsely implicated in the present case. Learned counsel for the petitioner submits that petitioners who serve as a Cashier and an Office Assistant, respectively of the Bank assert their innocence and claim they were neither questioned about the cash shortage nor given an opportunity to explain. Despite this, FIR was lodged against them, leading to their immediate arrest and judicial custody without proper inquiry, while the Branch Manager was not held accountable. Learned counsel next submits that under pressure from the Regional Manager, their guardians deposited the alleged missing amount of Rs. 7,94,900/- in the bank account on 22-11-2024, as evidenced by the annexed receipt at Annexure-P/2 to this petition, indicating coercion rather than an admission of guilt.

6. Learned A.P.P. for the State and learned counsel for the informant-bank have vehemently opposed the prayer for grant of bail to the petitioners. Learned counsel for the informant-bank conceded that although the aforesaid amount is



deposited in the informant-bank, but that amounts to acceptance of guilt by the petitioners.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioners and alleged misappropriated fund being paid back to the informant-bank, this Court is inclined to grant bail to the petitioners.

8. Let the petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Paharkatta P.S. Case No. 129 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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