

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7259 of 2025

Arising Out of PS. Case No.-755 Year-2024 Thana- MOTIHARI TOWN District- East
Champaran

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Deepesh Kumar Son of Suresh Prasad Shrivastava @ Suresh Prasad Resident
of village - Mangalpur Gudariya, Police Station - Nautan, District - West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. B. N. Mishra, Adv. Mr. Brij Kishor Mishra, Adv.
For the State	:	Mr. Ram Priya Sharan Singh, APP.

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 28-05-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 318(4), 316(5), 3(5) of the
B.N.S., 2023.

3. A perusal of the FIR would go to show that an amount
of Rs. 49,51,000/- was embezzled from the office of CMS Info
System Limited Company which was found out by the Auditor of
the Company Mr. Dharmendra Kumar in presence of Branch
Manager of Route A.T.M. Mr. Nilesh Kumar, Vishwas Kumar
and trainee custodian Nilesh Kumar. Deepesh Kumar (petitioner)
and Vishwas Kumar were appointed by the Company at Motihari
Branch and both were custodians who had to withdraw money



directly from SBI Main Branch, Motihari and CBI, Main Branch, Latuha Raja Bazar and deposit in the A.T.M. of Route-1. It has further been alleged that the petitioner and Vishwas Kumar stopped coming to duty after 18.11.2024 and thereafter, the embezzlement of amount was detected.

4. Learned counsel for the petitioner submits that the allegations against the petitioner is general and vague in nature and as a matter of fact, the first cash custodian was Vishwas Kumar while the second was Nilesh Kumar and so far as, the petitioner was concerned, he was never the custodian of the cash. It is further submitted that no transaction was made from the employee code of the petitioner which would be clear from the photocopy of the I.D. of the petitioner which has been brought on record by way of Annexure-P/2. It is also argued that the petitioner was not on duty since 15.10.2024 and he was also not paid his salary since then and hence, this is the reason why he has been made an accused in the present case. Further, it is submitted on behalf of the petitioner that the petitioner was only an employee of the Company and he never worked as cash manager and hence, never committed any fraud with regard to the cash. The materials collected during the course of investigation also do not disclose any specific or concrete evidence to connect the present petitioner to the alleged



occurrence. It has rather transpired from paragraph 24 of the case diary that no money was recovered from his house when a search was made. It is next submitted that charge sheet has already been submitted in the case and the petitioner is in custody since 25.11.2024 without any criminal antecedent.

5. Learned APP for the State, however, opposes the prayer for regular bail.

6. Considering the above-mentioned facts and circumstances and the period of custody, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Town P.S. Case No. 755 of 2024.

7. However, it is directed that the petitioner would cooperate in the trial and make himself physically present in the court on each and every date and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(Soni Shrivastava, J)

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