IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15934 of 2025

Arising Out of PS. Case No.-125 Year-2021 Thana- SAMASTIPUR District- Samastipur

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Sumit Kumar S/O Baiju Rai R/O Vill.- Basahi Bhindi, P.S- Jandaha, District- Vaishali

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ajay Kumar, Adv.
For the Opposite Party/s : Mr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 12-05-2025 Heard the learned Advocate for the petitioner and the learned APP for the State.

2. The petitioner apprehends his arrest in connection with Samastipur (Town) P.S. Case No. 125 of 2021, T.R. No. 1029 of 2024, registered for the offences punishable under Sections 409, 420 and 120(B)/34 of the Indian Penal Code.

3. Based upon the written report, the prosecution alleges that the informant is said to be Branch Manager of C.M.S. Info Systems Ltd., wherein Md. Islam and Ashish Kumar Anurag were engaged as custodian of C.M.S. Info Systems Ltd. It is alleged that they used to receive the cash from different banks and load the same in A.T.M. of said banks. However, both the accused persons withdrew cash amounting to Rs. 2,70,28,000/- on different occasions, but did not load the cash in A.T.M. and this way defalcated the entire amount. It is

further alleged that co-accused Diwakar Kumar Singh, who was working as location In-charge of Samastipur location also found responsible for the misappropriation of the amount.

4. Learned Advocate for the petitioner taking this Court through the FIR contended that admittedly the petitioner is not named in the FIR. However, during the course of investigation, the Manager of the Axis Bank on a query made by the Investigating Officer has disclosed that altogether ten custodians have been working with the Bank and one of whom is said to be the petitioner. Only on account of the aforesaid facts that the petitioner is also working as a custodian with the Axis Bank, his name has been implicated in this case. In the FIR, not even a suspicion has been raised about the complicity of the petitioner. However, only on account of the disclosure made by the Manager of the Axis Bank, his name has been implicated in this case. The petitioner is a man of fair antecedent and he undertakes that he will fully co-operate in the investigation or in the proceeding of the Court. It is lastly contended that so far co-accused Diwakar Kumar Singh and other co-accused persons are concerned, they have been accorded the privilege of regular bail.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the

name of the petitioner has been disclosed by the Bank Manager of Axis Bank; and others have been allowed the privilege of regular bail.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the entire allegation revolves around FIR named accused persons and save and except the petitioner is said to be one of the custodian of Axis Bank, there is no allegation of misappropriation of money, coupled with his fair antecedent, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Samastipur in connection with Samastipur (Town) P.S. Case No. 125 of 2021, T.R. No. 1029 of 2024, subject to the conditions laid down in Section 482(2) Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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