

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24438 of 2025

Arising Out of PS. Case No.-1094 Year-2024 Thana- SONEPUR District- Saran

Sumit Kumar Prabhakar @ Sumit Kumar S/O Late Kameshwar Prasad Rai
R/O Village- Pahleja, Sahpur Diyara, P.S- Sonepur, Distt.- Saran, Bihar-
841101.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate
For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 30-04-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sonepur
P.S. Case No. 1094 of 2024 dated 28.12.2024 instituted for the
offence punishable under Sections 319(2), 318(4), 316(2), 316(5),
338, 336(3), 340(2) & 61(2) of the Bhartiya Nyaya Sanhita, 2023.

3. The prosecution case, in short, is that petitioner and
one Ravish Kumar were the operator and assistant/co-operator of
the CSP, State Bank of India. The informant and other persons are
the account holder in that CSP, who time to time used to deposit
his earned money. Allegation against the petitioner and other
accused person is that they cheated the customers including the
informant and misappropriated their crores of rupees and fled
away by locking the CSP.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. Learned counsel for the petitioner submits that the petitioner is the operator of CSP, Pahleja linked with SBI, Sonapur and co-accused Ravish Kumar is the assistant/co-operator of the said CSP, who was absent since 09.09.2024. The petitioner tried many times to contact with Ravish Kumar on his mobile but he could not be contacted. The petitioner received complaint while operating CSP on 09.09.2024 that Ravish Kumar has not deposited the amount of Rs. 50 lakhs of 120 customers and he was manipulating the accounts of the customers. In this regard, the petitioner informed the Sonapur Police Station on 14.09.2024. Thereafter he has also informed the State Bank of India, Sonapur Branch *vide* letter dated 16.09.2024. The petitioner has brought this fact into the notice of NICT Technologies Pvt. Ltd. *vide* letter dated 14.09.2024, but no steps with regard to lodging F.I.R. was taken. Thereafter, the petitioner filed Complaint Case No. 2624 of 2024 in the court of learned Chief Judicial Magistrate, Chhapra on 19.11.2024. The same was forwarded under Section 175(3) of BNSS to the Sonapur Police Station. Then, Sonapur P.S. Case No. 1055 of 2024 was registered on 20.12.2024. The present F.I.R. has been lodged on 28.12.2024 after lodging of the F.I.R. of the petitioner. Learned counsel for the petitioner further submits that it is apparent from



the complaint as well as F.I.R. that Ravish Kumar is the main culprit in this case. It is submitted that CSP operation also reveals that renewal agreement dated 24.02.2024 with service delivery partner for SBI Kiosk Banking Service was entered into between NICT Technologies and Ravish Kumar. The petitioner has no connection with the said agreement. The alleged defalcation and misappropriation was committed by Ravish Kumar regarding which the petitioner has already lodged F.I.R. Lastly, it has been submitted that the petitioner is in custody since 29.12.2024 having one criminal case against him. Charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran (Chhapra) in connection with Sonapur P.S. Case No. 1094 of 2024, subject to the following conditions:-

I. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive



dates without sufficient reason, his bail bond shall be cancelled by the Court below.

II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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