

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32520 of 2024

Arising Out of PS. Case No.-290 Year-2022 Thana- GARDANIBAG District- Patna

Jitendra Kumar Yadav Son of Garib Yadav RESIDENT OF VILLAGE -
BALLAHPUR BHATWAN, P.S.- HASANPUR, DISTT- SAMASTIPUR

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rahul Singh, S/O- Kalpnath singh R/O- RC 115 Azad Bihar Khoda Colony,
Ghaziabad

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Suraj Narain Yadav, Adv. Mr. Jata Shankar Jha, Adv.
For the State	:	Ms. Renu Kumari, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

18 12-08-2025 Heard learned counsel for the petitioner and learned APP
for the State. However, nobody appears on behalf of the
informant despite issuance of repeated notices.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 407,
420/34 of the Indian Penal Code.

3. The present case has been initiated on the basis of a
written report filed by the informant, the Regional Sales
Manager, who has complained about the embezzlement of
money to the tune of Rs. 5,00,00,000/- of the distributors of
other States as the company had stopped giving payment and
service from 19.05.2022 and the accused persons have fled



away after closing the office.

4. Learned counsel for the petitioner, at the outset, submits that the petitioner is the Director of the company, whereas the informant is the Regional Sales Manager. It is further submitted that as a matter of fact, there was no cash transaction in the company and the deposits were made only in a wallet from which the payments are made. It is also submitted that no consumer/customer has ever complained of any misappropriation or embezzlement. The materials collected during the course of investigation would show that till date, no concrete or substantial evidence appears against the petitioner. Learned counsel for the petitioner has also invited the attention of this Court to paragraph 16 of the case diary, which is the supervision note, showing that no documentary evidence was ever produced on behalf of the informant and the complicity of the petitioner could only be established upon perusal of the relevant documents. It is next submitted that a number of directions for investigation had been given which have not been complied by the Investigating Agency. Learned counsel for the petitioner has also raised suspicion over the statement of four different distributors taken during the course of investigation as they have all been recorded on the same day



despite the fact that they are residents of different States and they are not signatories to the FIR. It is next submitted that as a matter of fact, the petitioner was seriously ill since February, 2022 and because of his ailment, he could not attend the office. However, later on, he also submitted a complaint to the S.H.O., Gardanibagh with regard to some irregularities committed in the company, but no action was taken thereupon. It is further submitted that the petitioner is a responsible person having no criminal antecedent and he undertakes to cooperate in both the process of investigation and trial.

5. Learned APP for the State, however, opposes the prayer for anticipatory bail on the ground that the case involves a huge amount of embezzlement and the petitioner being the Managing Director of the company holds responsibility of the same.

6. Considering the entire facts and circumstances of the case including the fact of the informant's non-appearance making his conduct suspicious and further, in absence of any substantive or concrete evidence collected against the petitioner to establish his complicity and also in view of the undertaking by the petitioner that he would not evade the process of law and would fully cooperate in the investigation, let the petitioner,



above named, who has no criminal antecedent, in the event of his arrest or surrender before the Court below within four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Gardanibagh P.S. Case No. 290 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

divyanshi/-

U		T	
---	--	---	--

