

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31190 of 2025

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

Shatrudhan Kumar S/o Bishanudev Mahto R/o Village- Ujiarpur, P.S.-
Ujiarpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uma Shankar Singh, Sr. Adv. Mr. Dilip Kumar Roy, Adv. Ms. Rekha Ranjan Prasad, Adv. Ms. Sonia Narayan Sinha, Adv.
For the Opposite Party/s :		Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-08-2025 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, 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 the aforementioned accused persons 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, at the outset, 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. On account of the aforesaid fact, the petitioner, who was found working as a custodian with the Axis Bank, his name has been implicated in this case. Even 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, that too with respect to the petitioner being one of the custodian, his name has been implicated in this case. Learned Advocate for the petitioner further contended that one of the person, having identical allegation, has been allowed the privilege of anticipatory bail by this Court in Cr. Misc. No.



15934 of 2025 vide order dated 12.05.2025, the copy of which is produced before this Court. The petitioner is a man of fair antecedent and he undertakes that he will fully co-operate in the proceeding of the Court.

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

6. Having considered the submissions set-forth by learned Advocate for the respective parties and taking note of the materials available on record, especially the allegation, which 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 the fact that the case of the petitioner is based on parity as also 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, 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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