

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31998 of 2025

Arising Out of PS. Case No.-426 Year-2021 Thana- SIWAN CITY District- Siwan

1. Shailesh Kumar S/O Ashok Sah Resident of vill- Sohagpur, PS-Hathwaa, Dist- Gopalganj
2. Jay Shankar S/O Dhruv Prasad Resident of vill- Sohagpur, PS-Hathwaa, Dist- Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Adv.
Mr. Kumari Anupam, Adv.
For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 22-07-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Siwan City P.S. Case No. 426 of 2021, G.R. No. 2363/2021 dated 13.08.2021 registered for the offences punishable u/ss 420, 409 read with Section 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioners are alleged to have embezzled Rs. 11 lakhs after tampering the A.T.M. and due to that company incurred heavy loss.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The occurrence took place on 05.06.2021 but the F.I.R. was



lodged on 13.08.2021 after a delay of two months and there is no explanation for the same. Learned counsel has further submitted that no recovery of the alleged misappropriated amount has been made from the petitioners. The petitioners have no concern with the alleged offence. It is further submitted that the charge-sheet has been submitted and the cognizance has taken against the petitioners. The petitioners have one criminal antecedent as stated in para 3 of the bail petition. The petitioners are in custody since 24.04.2023.

5. Learned A.P.P. for the State has opposed the bail petition of the petitioners and submitted that the regular bail application of the petitioners was earlier rejected by this court vide order dated 30.04.2024 passed in Cr. Misc. No. 6322/2024. Learned counsel has further submitted that the specific allegation against the petitioners is that they embezzled Rs. 11 lakhs after tampering the A.T.M. as the petitioners were the custodians of the company Secure Value India Ltd, Muzaffarpur and they were on duty to withdraw cash from Punjab National Bank, Siwan and to feed the same cash in the A.T.M. It is further submitted that previously, the petitioners committed embezzlement of Rs. 21 lakhs from the A.T. M. of the Canara Bank for which an F.I.R. was also lodged.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners above-named, are directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) each with



two sureties of the like amount each to the satisfaction of learned Court concerned, Siwan in connection with Siwan City P.S. Case No. 426 of 2021 with the conditions :-

(i) The petitioners are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to be cancelled.

(ii) If the petitioners are found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bonds.

(iii) The petitioners are directed to cooperate in the trial before the learned court below.

7. The application stands allowed.

(Chandra Prakash Singh, J)

Gautam/-

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

