

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45731 of 2025

Arising Out of PS. Case No.-34 Year-2025 Thana- BELDOUR District- Khagaria

Ashish Kumar, S/o Arun Prasad Yadav, R/o vill- Bela Naubad @ Bela Nawada, Ward No. 6, PS- Beldour, District- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rana Kumar Sharma, S/o Late Kamleshwari Prasad Sharma, R/o vill - Bela Naubad @ Bela Nawada, Ward no. 6, P.S.- Beldour, Distt.- Khagaria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Samrendra Kumar Jha, Advocate

For the Opposite Party/s : None

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 04-08-2025 Heard Mr. Samrendra Kumar Jha, learned counsel for the petitioner. There is no one to represent the State.

2.The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Beldour P.S. Case No. 34 of 2025 instituted for the offence under Sections 316(2), 316(5) and 318(4) of the B.N.S.

3. The case of the prosecution is that the informant was Chairman of PACS and the petitioner was an employee of the Management Committee. It is alleged that the petitioner has embezzled Rs. 75 lakh in financial years 2018-19. It is further alleged that on 13.01.2025, the petitioner stopped the informant and on gun point snatched valuables and also threatened of dire



consequences if any case is being filed by the informant.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this case. It has further been submitted that from perusal of Annexure-P/2, it will transpire that the petitioner was appointed as a member of Management Committee on 10th December 2019. It will go to show that petitioner was not a member of Management Committee in financial year 2018-19, the period during which defalcation is alleged. It has been submitted that the Annexure-P/3 series will go to show that all the transactions were made from account to account and no such amount is there in that statement. It has also been submitted that from perusal of the F.I.R. it is clear that the allegation is that he has embezzled the cash which is totally false. It has also been submitted that he has also filed a case against the informant as he has poisoned the pond of village. It has also been submitted that the petitioner has informed the bank regarding misplacement of his cheque. It has also been submitted that the F.I.R. is in two parts. First part deals with the defalcation and second part is regarding the incident of threatening and snatching the valuables. Second part is dependent on first part that being the basis but as he was not a



member of Management Committee in the financial year 2018-19, the question of defalcation of that amount does not arise in that financial year. Petitioner is having criminal antecedent of one case in which he is on bail.

5. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Beldour P.S. Case No. 34 of 2025, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Khagaria, subject to the conditions as laid down under section 482 (2) of the B.N.S.S.

(Ashok Kumar Pandey, J)

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