

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57083 of 2024

Arising Out of PS. Case No.-69 Year-2023 Thana- BARBIGHA District- Sheikhpura

Kunal Kumar son of Uma Shankar Singh Village- Dharseni Ps- Barbigha
Dist- Sheikhpura

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Mahesh Prasad Singh son of Kapildev Singh Village- Teus Ps- jairampur
Dist- Sheikhpura A/p- Manager of Gayatri Petrol Pump Barbigha Ps-
Barbigha Dist- Sheikhpura
3. Dr Suresh Sharma M.Ortho,R/o- Station Road,Barh Patna
4. Dr. C. Chaudhary M.B.B.S. B.Ortho(PET) R/o-Barh Nursing Home,Station
Road, Barh, P.S-Barh, Dist-Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rizwanul Haque
For the Opposite Party/s : Mr.Lalan Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 11-09-2025 Heard learned counsel for the petitioner as well as the
learned APP for the State.

2. The petitioner apprehends his arrest in connection with
Barbigha P.S. Case No. 69 of 2023, registered for the offences
punishable under Sections 420 and 406/34 of the Indian Penal Code.

3. According to FIR, the informant is owner of the petrol
pump and the petitioner is the employee of that petrol pump. As per
allegation, the employees, including the petitioner ran away with the
diesel delivery van containing petroleum products.

4. Learned counsel for the petitioner has submitted that
according to allegation, the petroleum products was handed over to
the petitioner and other co-accused persons by the informant to be



sold through the delivery van, but the same was misappropriated by the petitioner and other employees of the petrol pump. He has further submitted that when the investigating officer reached to the place of occurrence and inspected the entry register, he did not find any entry regarding the entrustment of the said petroleum products in the register. He has also submitted that the investigating officer demanded the CCTV footage, but the informant neither produced the CCTV footage nor furnished the plausible explanation for not delivering it to the investigating officer. In this regard, the learned counsel drew my attention towards paragraph nos. 17, 25, and 26 of the case diary.

5. On the other hand, the learned counsel for the informant opposed the prayer for bail and submitted that, in paragraph no. 66 of the case diary, it has been mentioned that some part of the money was paid by the petitioner to the informant, which shows the complicity of the petitioner in the alleged occurrence, to which the learned counsel for the petitioner replies that the money was handed over due to pressure created by the informant and his family members rather, the petitioner paid his own money to the informant under that pressure.

6. The entry of the alleged petroleum products could not be found in the register, kept for that specific purpose. The informant neither produced the CCTV footage nor provided any plausible explanation for not producing it.



7. Considering the above-mentioned facts and circumstances, let the petitioner, in the event of his arrest or surrender within four weeks before the learned court below, 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 learned CJM, Sheikhpura connection with Barbigaha P.S. Case No. 69 of 2023, subject to the conditions as laid down under Section 438(2) of the CrPC/482(2) of the BNSS, 2023.

(Nawneet Kumar Pandey, J)

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