

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66575 of 2025

Arising Out of PS. Case No.-239 Year-2023 Thana- SHEOHAR District- Sheohar

Kundan Prakash Gupta S/O Gauri Shankar Sah Resident of Vill.- Baikunthwa,
Ward No. 12, P.S.- Nautan, Dist.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-09-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Sheohar P.S. Case No. 239 of 2023, registered for the offences punishable under Sections 420, 406, 409, 471, 34 of the Indian Penal Code.

3. The allegation against the petitioner is that he defalcated the amount to the tune of Rs.5,78,692/- during the period 31.08.2022 to 05.03.2023 while working as field staff. It is alleged that the petitioner while working as field staff in Bharat Finance Inclusion Ltd., Sheohar received the amount from the borrower but did not deposit the same with the Company.

4. Learned Advocate for the petitioner submitted that the present FIR came to be instituted on 15.09.2023 and just



prior to 6 months on 23.03.2023, one another FIR was instituted by the informant, who is said to be Branch Manager of the Company with respect to defalcation of an amount to the tune of Rs2,48,151/-. In the entire FIR, it does not wisher with respect to the name of the borrower with whom the petitioner realized the money and not deposited with the Company. None of the borrower has come forward or made any complaint. In fact, much prior to the occurrence, the petitioner had served a legal notice upon the informant and one Unit Manager. However, only in order to grab money, the name of the petitioner has been implicated in this case by mounting pressure. Since the entire allegation is based upon the documentary evidence, the custodial interrogation of the petitioner is not warranted in the present case. Though the petitioner bears two criminal antecedent, out of which one has been disclosed hereinabove and another relates to Bihar Prohibition and Excise Act and in both the cases, the petitioner is on bail.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that there is specific allegation against the petitioner of causing defalcation of money deposited by the borrower and, as such, notice is required to go to the informant.



6. Having considered the submissions set forth by the learned Advocates for the respective parties and taking note of the allegation, which is based upon the documentary evidence, coupled with the fact that prior to institution of this case, the petitioner had served a legal notice to the informant stating all the facts, let the petitioner abovenamed 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 Chief Judicial Magistrate, Sheohar/Successor Court in connection with Sheohar P.S. Case No. 239 of 2023, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik 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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