

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72319 of 2024

Arising Out of PS. Case No.-178 Year-2015 Thana- GAYA MUFASIL District- Gaya

Pawan Kumar S/O Sri Mahesh Prasad R/O Village and P.S. Khizarsarai
District-Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyaveer Jha, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-05-2025 Heard Mr. Satyaveer Jha, learned counsel for the
petitioner and Mr. Chandra Bhushan Prasad, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection
with Muffasil P.S. Case No. 178 of 2015, F.I.R. dated 07.06.2015
for the offences punishable under Sections 420, 406, 467, 468,
471, 120(B) of Indian Penal Code.

3. As per the First Information Report, the informant
alleged that the petitioner along with co-accused person opened
forged account in his name in the bank and mis-appropriated his
money.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been implicated
in the present case. The petitioner is not named in the FIR and his



name transpired during investigation on the basis that he was the introducer of the account which was opened in the name of the informant. From bare perusal of the FIR it transpires that allegation against co-accused persons, namely, Vandana Kumari and Kaushal Sharma @ Kaushal Kishore Sharma is that they misappropriated the amount of informant. He further submits that Vandana Kumari has been granted anticipatory bail by the learned Sessions Judge, Gaya in A.B.P. No. 875 of 2016 on the ground that she has returned the amount to the informant and Kaushal Sharma @ Kaushal Kishore Sharma has also been granted anticipatory bail by the learned Additional Sessions Judge-I, Gaya in A.b.P No. 3820/18/354/18 and petitioner is employee of the bank and he is not indulged with the present occurrence.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, petitioner has clean antecedent and co-accused, namely, Vandana Kumari has been granted anticipatory bail on the ground that she has returned the amount in question to the informant, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount



each to the satisfaction of the learned C.J.M., Gaya in connection with Muffasil P.S. Case No. 178 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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