

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74871 of 2025

Arising Out of PS. Case No.-64 Year-2025 Thana- BUXAR District- Buxar

Sunil Kumar S/o Balwant Ram @ Balwant Rai R/o Village- Patel Nagar,
Barkherwa Lakhimpur @ Patel Nagar, Parkherba, P.S.- Kotwali Sadar,
District- Lakhimpur Khiri (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the State : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-11-2025 Heard Mr. Anil Kumar Singh, learned counsel for
the petitioner and Mr. Zainul Abedin, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Buxar (Town) P.S. Case No. 64 of 2025, F.I.R. dated 13.02.2025 registered for the offences punishable under Sections 316(2), 318(4), 61(2), 338, 336(3) and 340(2) of the B.N.S., 2023.

3. Allegation against the petitioner is that he and other co-accused persons have misappropriated Rs.13,31,000/- of the complainant in the name of V.G.E. Share Consultant Private Ltd. on the assurance that the Company will give 4 ½ % interest of the invested amount per month, as the said Company created by the accused did not give any return to him.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has no concern at all with the alleged occurrence. In fact, for the same set of allegation another person has filed Buxar (Town) P.S. Case No. 545 of 2020 against the petitioner and petitioner has been granted regular bail vide order dated 30.08.2023 passed in Cr. Misc. No. 56372 of 2023 by a Coordinate Bench of this Court. From perusal of Annexure-2(copy of the F.I.R. of Buxar Town P.S. Case No. 545 of 2020) it appears that for the same set of allegation the present complaint petition has been filed only to harrass the petitioner.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner carries four more cases other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in the pending matters.

6. Learned counsel for the petitioner submits that all the cases have been instituted against the petitioner merely on the ground that the petitioner was the Accountant in the Company in question and Company has misappropriated the



amount of a number of persons.

7. Considering the facts and circumstances of the case and the fact that for the same set of allegation the present case has been instituted and petitioner has already been granted bail in Buxar (Town) P.S. Case No. 545 of 2020 and the present F.I.R. has been instituted in the year 2025 after delay of about five years, let the petitioner, above named, in the event of his 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Buxar (Town) P.S. Case No. 64 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the



witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 bonds 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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