IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83905 of 2024

Arising Out of PS. Case No.-64 Year-2023 Thana- TARIYANI CHOWK District- Sheohar

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Kundan Prakash Gupta @ Kundan Kumar Gupta Son of Gauri Shankar Sah Resident of Village - Baikunthwa, P.S. - Nautan, District - West Champaran

... ... Petitioner/s

Versus

1. The State of Bihar
2. Kumod Singh S/O- Ravindra Singh, R/O- Vill- Bishambharpur, P/O- Laukham, PS- Dhaka,Dist- East Champaran, the Branch Manager, Bharat Finance Inclusion Ltd. Sheohar.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr. Ahmad Ali, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 12-05-2025 Heard Learned Counsel for the petitioner, Learned Counsel for the Informant and Learned APP for the State.

2. The present criminal miscellaneous application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'the BNSS, 2023') for grant of anticipatory bail to the petitioner who apprehends arrest in connection with Tariyani P.S. Case No.64 of 2023, lodged on 23.03.2023, under Sections 406/420/120B/34 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against the present petitioner and unknown accused persons alleging therein that they have defalcated the money of the organization

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of which the informant is the Branch Manager, in which allegation of Rs.2,48,151/- has been made.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that the said FIR has been lodged with delay of about 21 days as the occurrence has taken place on 02.03.2023 whereas FIR has been lodged on 23.03.2023. Counsel submits that the petitioner is the staff of the branch and false allegation has been made against him that he has defalcated the money. He submits that there is one criminal case pending against him, in which he is on bail. Counsel submits that he has been set at liberty by the Court after imposition and deposit of its fine in the said case.

5. Learned Counsel for the informant vehemently opposes the prayer for bail and submits that due to action/inaction/illegal action of the petitioner the face of the Branch has been badly damaged. He defalcated huge amount which he has to collect from different customers and deposit in the bank. He submits that it is not the only case which has been filed by the Company; rather one another case, namely, Sheohar P.S. Case No.239 of 2023 has also been filed against the petitioner in which allegation of defalcation of Rs.18,27,538/- has been alleged against the petitioner about which he is

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completely silent in the present bail application. Counsel submits that initially the Company is of the opinion that his staff/petitioner is innocent, but subsequently upon enquiry it has been found that he was defalcating money by way of accepting from customers and not depositing in the branch.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that specific allegation and suppression is also against the petitioner.

6. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Hence, the prayer for anticipatory bail of petitioner is hereby rejected.

(Dr. Anshuman, J)

Mkr./-

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