

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4674 of 2025

Arising Out of PS. Case No.-99 Year-2024 Thana- MEHSI District- East Champaran

Rakesh Paswan S/O Lalan Paswan R/O Village- Wajitpur, P.O- Majapur
Bandwar, P.S- Muffasil, Distt.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manohar Kumar S/O Ram Narayam Mahto R/O Village- Bishunpur, P.O-
Ghorasahan, P.S- Ghorasahan, Distt.- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar, Advocate
For the Opposite Party/s : Mr.Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-05-2025 Heard Mr.Mritunjay Kumar, learned counsel for the

petitioner, learned counsel for the informant and Mr.Yogendra
Kumar, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Mehshi P.S.Case No.99 of 2024, FIR dated
03.07.2024, G.R.No.3745 of 2024 registered for the offences
punishable under Sections 406,420 of IPC.

3. As per prosecution case, petitioner is alleged to
have embezzled money Rs. 1,42,988/- (One lac Forty Two
Thousand Nine Hundred Eighty Eight Only) because being on
the post of Credit Assistant did not deposit the collection
amount of loanee from 04.04.2024 to 11.05.2024 to the



Company like Spandana Asfurti Financial Limited Company.

4. Learned counsel for the petitioner submits that the petitioner clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. As per allegation in the FIR, petitioner is alleged to have embezzled money Rs. 1,42,988/- (One lac Forty Two Thousand Nine Hundred Eighty Eight Only) from the informant. Learned counsel for the petitioner, on instruction, fairly submits that the petitioner is ready to return the amount in question to the informant within a period of four months from today.

5. Learned counsel for the informant has no objection in this regard.

6. In view of the aforesaid, 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 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, East Champaran, Motihari in connection with Mehshi P.S. Case No.99 of 2024, G.R.No.3745 of 2024, 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:-

(I) At the time of furnishing bail bond, the petitioner shall deposit 1/3rd of the embezzled money Rs. 1,42,988/- (One lac Forty Two Thousand Nine Hundred Eighty Eight Only) by way of demand draft in favour of the concerned Company/Bank/Informant and the learned court below is directed to hand over the said demand draft to the concerned Company/Bank/Informant or his representative and the rest amount shall be paid within four months in two equal installments by way of demand draft in favour of the Company/Bank/Informant. If the petitioner fails to pay the rest amount to the concerned Company/ Bank/Informant, the informant shall be at liberty to move before the appropriate forum for cancellation of bail bond of the petitioner.

(II) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(III) 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.

(IV) 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/her 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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