

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90267 of 2024

Arising Out of PS. Case No.-309 Year-2023 Thana- ALAMGANJ District- Patna

Suraj Kumar Son of Munna Prasad Resident of Arhit, P.S.- Ghoshi, District-
Jehanabad

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Krishna Jha, Advocate

For the Opposite Party/s : Mr. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 02-07-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in a case instituted for the offences punishable under Sections 407 and 409 of the Indian Penal Code to which Sections 379, 120(B), 411 and 34 I.P.C were added subsequently.

3. As per the prosecution case, it is a case of misappropriation of a huge amount of money.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has committed no offence. Learned counsel has further submitted that the entire allegation against the petitioner is totally false. No such occurrence as alleged has taken place. The money was not entrusted to the



petitioner and he was not the custodian of the cash amount and was simply driving the vehicle. The petitioner has no concern with the money in question so Sections 407 and 409 IPC are not applicable. Learned counsel has next submitted that the petitioner was forcefully abducted by some unknown persons at gunpoint. Firstly, they boarded on the van for asking an address and after that at the point of a pistol, they directed to drive the vehicle. Petitioner was coming to Patna to inform about the matter, but the police arrested him on 18.05.2024. Learned counsel has also submitted that there is no recovery of any incriminating articles, so Sections 379 and 411 IPC are also not applicable. There is no evidence of criminal conspiracy; hence, Section 120(B) is not at all applicable. Lastly, it has been submitted that the petitioner has an antecedent of one criminal case and has been in custody since 19.05.2024.

5. Learned APP for the State vehemently opposed the prayer for bail and has submitted that the petitioner was named in the FIR and he was the driver of the cash van. The informant, in his restatement recorded in para. 2 of the case diary, has fully supported the prosecution case. The statement of witness Sonu Kumar recorded in para 6 of the case diary fully supports the prosecution case. He has further submitted that from perusal of



the case diary, it appears that in the supervision note of ASP, Patna mentioned in para 93 of the case diary, he found the case true against the petitioner under Sections 379, 407, 409, 120(B), 411 and 34 IPC. It has lastly been submitted that after investigation, police found the case to be true and submitted a charge sheet under Sections 407, 409, 379, 120(B), and 411/34 IPC.

6. Considering the facts and circumstances of the case and taking into account that the petitioner is the named accused and the offence is serious in nature and also there is sufficient material available in the case diary against him, I am not inclined to enlarge the petitioner on bail.

7. The prayer for regular bail of the petitioner is hereby rejected.

(Sourendra Pandey, J)

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