

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5049 of 2026

Arising Out of PS. Case No.-110 Year-2021 Thana- CHIKSAUR District- Nalanda

Chandeshwari Kamat S/O Maheshwri Kamat R/O Surmaha Kishanpur, Ps-
Sour Bazar, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiva Shankar Sharma, Adv.

For the Opposite Party/s : Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-02-2026 Heard Learned Counsel for the petitioner and
Learned APP for the State.

2. The petitioner is apprehending arrest in connection with Chiksaura P.S. Case No. 110 of 2021 lodged on 13.10.2021, for the offences punishable under Sections 409 and 201 of the IPC, which is pending before the Court of Judicial Magistrate-1st Class, Hilsa.

3. As per the prosecution, FIR has been lodged against the petitioner with allegation that during his period of posting, he had not deposited the case record to the police station even after lapse of 4 years, it is due to this reason, the present FIR has been filed.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He



submits that on the basis of allegation itself, it does not transpire any offence under IPC. He further submits that at worst, it may be said that it is administrative lapse and over that section 409 of the IPC may not be continued.

5. Counsel submits that the criminal antecedent of the petitioner is not clean and there is one criminal case pending against him in which he is on bail.

6. Learned APP for the State opposes the prayer for bail and submits that Section 409 of the IPC is basically a criminal breach of trust and I.O. to whom the investigation has been trusted and upon transfer, he has not deposited the said documents for 4 years and even after repeated request, he sat over the matter and kept those documents in his possession, which has been provided to him in performance of the Government duty. He further submits that it shall be treated as breach of trust with the Government.

7. In the present facts and circumstances and without entering into the merit of this case, this Court is not inclined to grant anticipatory bail to the petitioner, therefore the bail application of the petitioner is hereby rejected.

8. However, trial court is directed to consider the regular bail application of the petitioner, if he surrenders within



4 weeks from today and prays for regular bail, then trial court shall pass order on merit without being prejudice of the present order preferably on the same day.

(Dr. Anshuman, J)

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