

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37875 of 2021

Arising Out of PS. Case No.-1426 Year-2019 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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1. AVINASH KUMAR SHARMA @ AVNASH KUMAR SHARMA S/o Pawan Kumar Sharma R/o Village- Amba, P.S.- Teghra, District- Begusarai, At present R/o Village- Bihat, P.S.- Barauni, District- Begusarai.
 2. Pawan Kumar Sharma S/o Late Shiv Sagar Sharma @ Late Shiv Sagar Mistri @ Late Ramsagar Sharma R/o Village- Amba, P.S.- Teghra, District- Begusarai, At present R/o Village- Bihat, P.S.- Barauni, District- Begusarai.
- Petitioner/s

Versus

1. The State of Bihar
 2. Ritik Kumar S/o Madan Mohan Prasad Sah R/o Kurha, P.O. and P.S.- Sahebpurkamal, District- Begusarai.
- Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amit Narayan, Advocate Mr. Aryan Kumar, Advocate Mr. Ankit Kumar Singh, Advocate
For the Opposite Party/s :		Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 17-03-2026 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 409 and 420 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that from perusal of the office report dated 21.01.2026, it would manifest that the same records that the ordinary notice has been personally received by the complainant/opposite party no. 2. It is further submitted that the complainant/opposite party no. 2,



despite receiving the notice, chooses not to appear and contest. It is next submitted that the case was earlier taken-up by a learned Coordinate Bench on 16.06.2022 and the case was directed to be listed along with Cr. Misc. No. 19124 of 2024 (Anil Kumar Vs. The State of Bihar and connected matters) for the reason that an issue whether anticipatory bail application is maintainable or not after issuance of summons was pending adjudication. It is also submitted that Cr. Misc. No. 19124 of 2024 was decided by the Hon'ble Full Bench of this Court by judgment dated 12.07.2023 wherein it was held that an application under Section 438 Cr.P.C. is maintainable on behalf of a person who has only been summoned in a complaint case as apprehension of being arrested in a non-bailable offence continues. It is further submitted that in the instant case also summons were issued against the petitioners, as such, petitioners had approached this Court when the case was directed to be listed with the aforesaid criminal miscellaneous.

4. It is submitted that the complainant alleges that he is the Coordinator of Save Solution Private Ltd. Company which runs the Customer Service Centre of SBI. Further, the petitioner no. 1 runs the Customer Service of SBI at Bhagwanpur. It is next alleged that the customers on 30.03.1019



came to know that petitioner no. 1 was neither present at the centre nor in the house for which his father Pawan had instituted Teghra P.S. Case No. 124 of 2019. Further, the complainant was informed by the customers of the CSP Bhagwanpur that Avinash (petitioner no. 1) used to collect money from them for depositing and gave receipt by his hand, as such, customers raised their voice. Further, that Avinash (petitioner no. 1) used to give false receipt to the customers by hand when receipts were to be used by the computer, thus, alleges that Avinash (petitioner no. 1) by taking the customers into confidence took money from them in name of depositing and misappropriated the same.

5. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the complainant/opposite party no. 2. It is further submitted that no doubt, the complaint petition came to be instituted with an allegation that customers complained against the petitioner no. 1 that he took money for depositing and issued receipt by hand and thus misappropriated the amount but then no complain of any customer is annexed with the complaint case. It is next submitted that though allegation is of misappropriation but then the complaint case does not even remotely suggest that as to what amount was misappropriated by the petitioner no. 1. It is



also submitted that allegations are general and omnibus in nature. It is further submitted that since petitioner no. 1 was having dispute with the complainant/opposite party no. 2 with regard to his salary, as such, the instant false complaint case came to be instituted. It is next submitted that as far as petitioner no. 2 is concerned, no specific allegation is alleged against him and he came to be implicated merely for the reason that he is father of petitioner no. 1. It is next submitted that petitioners will not abscond rather will cooperate in the trial to prove their innocence.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. Considering the submissions made by the learned counsel for the petitioners, let the petitioners, above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/Successor Court in connection with Complaint Case No. 1426C of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.



8. It is made clear that if the learned Trial Court comes to a conclusion that petitioners, after being released on anticipatory bail, are trying to delay the framing of charge or after framing of charge are trying to delay the trial of the case in both the conditions the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioners.

(Satyavrat Verma, J)

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