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**In the court of District & Addl. Sessions Judge II, Bagaha, West Champaran.**

**Anticipatory Bail Petition No.-172/2026**

**Registration No.-172/2026**

**(Arising out of Bagaha P.S. Case No. 61/2026)**

**Sonu Kumar Kushwaha S/o Vinod Prasad Kushwaha.**

**R/o:- Dhumnagar, P.S. Shikarpur, P.O. Narkatiaganj Dist. West Champaran.....**

**Petitioner**

**vs**

**State of Bihar.....Opposite Party**

**21.05.2026** Petitioner Sonu Kumar Kushwaha apprehends his arrest in connection with Bagaha P.S. Case No. 61/2026, u/s- 316(2), 316(5), 318(4), 3(5) BNS. pending in the learned Court of ACJM. 1<sup>st</sup> Bagaha and has filed the present anticipatory bail petition which has been pressed today. Copy of the same has been served to the learned P.P. In-charge for the State.

Sri Sanjay Kumar, learned counsel for the petitioner and Shamsul Hoda, learned P.P. In-charge for State are present before the Court.

The prosecution case in brief as per informant, Manager of Atyati Technologies Private Limited is that the accused, Sonu Kumar Kushwaha, was employed in the said company on the post of Field Staff. The accused had remained absent from office since 10 January. Upon inquiry and verification conducted by other staff members of the company, it was revealed that he had failed to deposit in the bank the installment amounts collected from 171 customers for the month of January, amounting to approximately ₹5,06,819/-, and had dishonestly misappropriated the said amount for his own use. Similarly, another accused, Gaurav Kumar, had also failed to deposit in the bank the installment amounts collected from 31 customers for the month of November, totaling ₹1,18,000/-, and had wrongfully retained and misappropriated the said amount.

It is submitted on behalf of the petitioner that he is innocent and has committed no offence whatsoever, much less the offence alleged in the present case. This is the first anticipatory bail application filed on behalf of the petitioner in the present case. Prior to this, neither any anticipatory bail application nor any regular bail application has ever been filed by or on behalf of the petitioner before this court or before the Hon'ble High Court of Judicature at Patna in connection with the present case. It is further submitted that the petitioner has only one criminal antecedent, namely Shikarpur Police Station Case No. 498/2022. From the perusal of the FIR, it appears that the alleged occurrence is said to have taken place on 10 January 2026, whereas the information was lodged before the local police station on 23 February 2026, after an unexplained delay of about 44 days. No plausible explanation for such inordinate delay has been mentioned in the FIR,

which creates serious doubt regarding the veracity and genuineness of the prosecution case. It is further stated that, from the perusal of the FIR, it appears that the petitioner had gone to his home on 10 January 2026, being a Saturday, and was required to rejoin his office on 12 January 2026. However, prior thereto, on 9 January 2026, the Branch Manager had allegedly published a notice to the customers directing them not to deposit premium amounts with the petitioner. This circumstance clearly indicates a conspiracy on the part of the Branch Manager and others against the petitioner. It is further submitted that the petitioner had duly handed over the entire collected premium amount to the Branch Manager, who failed to pay the salary of the petitioner in time. Due to the said dispute, a quarrel took place between the petitioner and the Branch Manager, during which hot words were exchanged, whereafter the petitioner left the job. Owing to annoyance arising out of the said dispute, the present false and fabricated case has been instituted against the petitioner. Hence, he may kindly be granted anticipatory bail.

Learned Addl. P.P In-charge vehemently opposed the prayer of anticipatory bail of the petitioner and submitted that the petitioner has committed the offence of misappropriating the money of poor women.

From the perusal of the FIR and the case diary, it appears that the petitioner is alleged to have collected the EMI amounts of 171 borrowers totaling ₹5,06,819/- and failed to deposit the said amount in the bank, thereby retaining the same in his possession. In support of the said allegation, the audit report and Investor Deposit Report are appended with the case diary prima facie corroborate the prosecution case. Further, the statements of the depositors recorded in paragraph nos. 29, 30 and 32 of the case diary also support the allegations levelled against the petitioner. It further appears that the petitioner has one criminal antecedent, namely Shikarpur P.S. Case No. 498/2022, reference whereof has been made in paragraph no. 47 of the case diary.

Considering the facts and circumstances of the case, material available on record as discussed above, this Court is not inclined to grant privilege of anticipatory bail to the petitioner. Accordingly prayer for anticipatory bail of the petitioner is hereby **rejected**.

(Dictated & Corrected)

(SD)

(Ravi Ranjan)

District & Addl. Sessions Judge II

Date of order	21.05.2026
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<b>Date of Reserving Order</b>	21.05.2026
<b>Uploading Date</b>	06.06.2026
<b>Uploaded By</b>	Raja Kumar, Stenographer DASJ-II