

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25117 of 2015

Arising Out of PS.Case No. -267 Year- 2014 Thana -SHRIKRISHNAPURI District- PATNA

1. Puran Sinha @ Puran Kumar Sinha S/o Late Arjun Kumar Sinha C/o Sri Gajendra Prasad Chaudhary, Opposite of Dr. Mohan Resident of Mohalla Jagant Narayan Road, P.S. Kadamkuan, District Patna, Permanently Resident of Mohalla Kayastha Toli, Near Avasthi Ghat, P.O. Danapur, P.S. Danapur Town, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Shantanu Kumar(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 23-09-2015 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case instituted under Section 408 of the Indian Penal Code.

It is alleged by the informant that the petitioner is a Sales Manager in Shrawasthi Agrotech (P) Ltd, who sale the produce of the company in Jharkhand State and collect sale proceed. It is further alleged that after receiving sale price from this petitioner deposited the amount in bank account of the company and delivered the products to dealers. In course of audit it was found that on 17.07.2014, 190 bags from Ranchi depot, on 15.07.2014, 208 bags from Giridh depot and on 23.07.2014, 335 bags from Dhanbad depot were delivered on the instruction of



petitioner to different dealers. Accordingly, the petitioner misappropriated total Rs. 14,59,695/-. In course of investigation incharge of Ranchi and Giridih depots stated before the investigating officer that they delivered the bags on instruction of the petitioner. According to photo copy of deposits slips, the petitioner has taken payment of Rs. 2,60,000/- in his own account on different dates.

It has been submitted on behalf of the petitioner that he has been made accused in the present case due to mistake of fact. The petitioner denied the allegation made in the FIR. It is further submitted that he is ready to deposit an amount of Rs.1,50,000/- (one lac and fifty thousand) within a period of three months, which may be released in favour of the company (Shrawasthi Agrotech(P) Ltd.,306/307, Verma Center, Boring Road, Patna).

On behalf of the State and the informant, it is submitted that mis-appropriated amount is Rs. 14,59,965/-.

Considering the aforesaid facts, the petitioner is directed to deposit an amount of Rs. 1,50,000/- in the court below within a period of three months, which shall be released in favour of the company- Shrawasthi Agrotech (P) Ltd.

Let above named petitioner, in the event of his

arrest/surrender in the court below within a period of four weeks, be released on provisional anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Ashutosh Khetan, learned Judicial Magistrate, 1st Class, Patna, in S.K.Puri P.S.Case No. 267 of 2014,G.R.No. 46 of 2014, subject to the conditions as laid down u/s 438(2) Cr.P.C.

It is further directed that the provisional bail of the petitioner shall be confirmed only after the aforesaid amount of Rs. 1,50,000/- is deposited by the petitioner within a period of three months.

(Sudhir Singh, J)

singh/-

U		T	
---	--	---	--