

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29440 of 2015

Arising Out of PS.Case No. -31 Year- 2015 Thana -KISHANGANJ District- KISANGANJ

1. Ajay Kumar Bahardar Son of Mugli Bahardar, Resident of village-
Bhagura, P.S. Farbisganj, District- Araria, at present employed of S.K.S.
Micro Finance, Kishanganj Branch

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal

For the Opposite Party/s : Mr. Ajay Kumar No.1(App)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

4 13-10-2015 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with a
case registered for the offences punishable under Sections 406 and
420 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner
is merely a staff in S.K. Micro Finance Company. He was duly
informed by the branch In-charge Vikash Kumar that an amount
of rupees three lakhs seventy thousand had disappeared from the
chest of the branch and accordingly after enquiry he submitted a
report stating that the aforementioned amount had disappeared and
for the same, he named three persons, namely, Vikash Kumar,
Ajay Kumar Bahardar and also one Cashier, namely, Abhishek
Kumar.

It is further submitted on behalf of the petitioner that the petitioner is similarly situated as the said Vikash Kumar, the Branch In-charge and, therefore, he be extended the benefit of anticipatory bail after deposit of rupees twenty-five thousand.

After perusal of the entire materials on record including the bail petition of the said Vikash Kumar, the Branch In-charge, it can be observed that there were two persons who were responsible for holding the keys of the chest. Out of the two persons, Vikash Kumar is also named as one.

The aforementioned anticipatory bail application of the said Vikash Kumar bearing Cr. Misc. No. 26724 of 2015, the order was passed extending the privilege of anticipatory bail on the presumption that it was mistake of fact as the Branch In-charge was not the holder of the keys and instead it was the Branch Cashier Abhishek Kumar and the present petitioner Ajay Kumar Bahardar is the other holder. The contention in the bail application of Vikash Kumar was that he was not one of the persons responsible for holding the same, in fact his name has been included only because he had handed over the keys to one Abhisekh Kumar, the Cashier who after counting the money in presence of the present petitioner have deposited the same in the chest and returned the keys to the Branch In-charge Vikash

Kumar.

In all circumstances, this contention cannot be accepted as he himself has submitted before the said Vikash Kumar that he had opened the chest and the money was deposited in his presence. The petitioner being the Second Key Holder was thus also responsible for ensuring the safety of the money.

Considering the aforementioned facts and circumstances, I do not find the case of this petitioner to be similarly situated. It is accordingly dismissed.

(Anjana Mishra, J)

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