IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16477 of 2016

Arising Out of PS.Case No. -3314 Year- 2012 Thana -PATNA COMPLAINT CASE District-PATNA

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Kumar Rajnish @ Rajnish Kumar, Son of Late Dinesh Prasad Srivastava Resident of Flat No.222, Ishwari Plaza, Road No.6, Patel Nagar, P.S.- Shastri Nagar, District-Patna.

.... Petitioner

Versus

1. The State of Bihar
2. Tractors India Private Limited, through its Manager Product Support Mr. Parth Mutsiddi S/O Late A.K. Mutsiddi At present branch office at N.H.30, Near Bypass Road, Near Denovali School Paazawa, Ranpur, Patna-800008.

.... Opposite Parties

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Appearance :

For the Petitioner	: Mr. Ajay Mukherjee, Advocate.
For the Opposite Parties	: Ms. Sangita Sharma(App)
For the O.P. No. 2	: Mr. Kamlesh Kumar Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

3 27-07-2016 The audit report has been filed today.

Heard both sides.

The petitioner apprehends his arrest in Complaint Case No. 3314(C) of 2012 registered for the offences punishable under Sections 403, 406, 409, 420 and 468 of the Indian Penal Code.

The complainant alleged that the petitioner was working as branch accountant of the company and he defalcated Rs. 7,35,029/-. The audit report pointed out that the petitioner received the money but did not deposit the same in the bank.

Learned counsel for the petitioner submits that the petitioner resigned from his service in the company on 31.12.2011 and the audit report was prepared in the month of March, 2012. The company took the signature of the petitioner on blank paper on the pretext of paying his salary. The petitioner never put his signature on the audit report. It is further submitted that the petitioner has already undertaken to deposit the amount if any lying due against the petitioner. The entire dispute is with regard to accounting. The petitioner has already deposited the entire amount in the bank which he received from the customers and put his signature on APFM. If the company shows any such receiving of the amount in the bank the petitioner shall deposit the entire amount.

On the other hand learned counsel appearing on behalf of Opposite Party No. 2 has produced the audit report.

It appears that the audit report was prepared in the month of March 2012 and the report does not show that the petitioner put his signature on APFM and the same money was not deposited in the bank. It is alleged that the petitioner had earlier made up his mind to leave his service after defalcating the amount, but from the audit report it does not appear that which of the amount was received by the petitioner and the petitioner did not deposit the same amount.

Considering the facts aforesaid and the fact that the petitioner is ready to make payment after rendition of the accounts that how much money is lying due against him, the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Smt. Ritu Kumari, the Judicial Magistrate, 1st Class, Patna in Complaint Case No. 3314(C) of 2012, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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