

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37419 of 2015

Arising Out of PS.Case No. -132 Year- 2015 Thana -UDWANTNAGAR District- BHOJPUR

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1. Anil Kumar S/o Late Rajendra Maur, resident of village- Sawana, P.S.-
Imadpur, District- Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar

... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Opposite Party/s : Mr. J.N.Thakur(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

6 17-02-2016

Heard learned counsel for the petitioner and
learned A.P.P. for the State. Learned counsel for the informant is
also present.

The petitioner is apprehending arrest in
connection with Udwant Nagar P.S. Case No. 132 of 2015
registered under sections 420, 406, 468, 471 and 403 of the Indian
Penal Code.

Case diary in the present case was called for
which has since been received.

Learned counsel for the petitioner submits that
the informant has filed the present case against the petitioner with
the allegation that they had been operating the Bank account
together. Subsequently, a difference arose. The informant has
alleged that the petitioner by defrauding the Company, without the
consent of the Managing Committee, started operating the Bank
account by way of self mode and, thus, withdrew a huge amount
of money. Allegation against the petitioner further is that he did
not participate in the meetings of the Board of Directors and
deliberately abstained himself and failed to give account of the

money withdrawn by him.

Learned counsel for the petitioner submits that the petitioner has been ill and for the reasons, purely medical in nature, he could not attend the meetings and whatever be the account of the Company, he is ready to face audit of the Company and provide the material documents for the same. He submits that all vouchers regarding the money withdrawn by him are ready and available and he shall make them available in the audit and also during the course of any investigation which may be required in connection with the present case. He further submits that, be that as it may, final form has now been submitted and the case as against the petitioner has been found to be un-true.

Learned counsel for the informant, however, seriously contests the matter and submits that the petitioner had withdrawn considerable amount of money from the Company's accounts of the Bank and used them for his personal purposes. He further submits the petitioner was called upon to make good of the amount withdrawn by him but the petitioner refrained from doing so and also abstained from any meeting which was called for, for the said purpose.

Learned counsel for the State after perusal of the case diary, however, submits that the investigation has been completed and it has also been found that the informant had been withdrawing money in huge amount from the deposits of the Company in the Bank and the same has also remained to be un-accounted for. He submits that investigation in the case has actually been completed and the final form has been submitted virtually exonerating the petitioner of the same and found the case against him to be un-true.

Considering all the facts and circumstances of the case and submissions of the parties and also the fact that the petitioner is ready and willing to submit himself before the Audit of the Company for giving accounts of the money and also because earlier the petitioner had been extended the interim protection by this Court and that he has also no criminal antecedent, let the petitioner above named, in the event of arrest or surrender in the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Arrah in connection with Udwant Nagar P.S. Case No. 132 of 2015 subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure, 1973.

(Anjana Mishra, J)

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