IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36303 of 2016

Arising Out of PS.Case No. -41 Year- 2016 Thana -HAJIPUR SADAR District- VAISHALI(HAJIPUR)

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1. Sumit Sinha Son of Sanjay Kumar Sinha Resident of Mohalla- Ashoknagar, Road No.8, P.S.- Kankarbagh, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S.N.P. Sinha, Sr. Advocate
Mr. Jitendra Narain Sinha

For the Opposite Party/s : Mr. Nazir Ansari
Mr. Surendra Kishore Thakur

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

4 17-11-2016 Heard Sri S.N.P. Sinha, the learned senior counsel for the petitioner, Sri Surendra Kishore Thakur, the learned counsel for the informant, and the learned Additional Public Prosecutor.

The petitioner seeks bail in Hajipur Sadar P.S. case No. 41/2016 under Section 406, 420, 466, 471, 120(B)/34 of the Indian Penal Code.

The informant, Executive Director (Administration) of Vastu Vihar company, lodged the case and alleged that the petitioner along with his brother, wife and friends, Amit Singh and Noman Ansari, defalcated about Rs. three crores of the Company, received from different customers.

The learned counsel for the petitioner submits that petitioner was working in the Company and, of course, he issued some receipts, after receiving money from different customers, but he deposited the money in the account of the Company. The informant alleged that petitioner misappropriated three crores rupees but in the first counter affidavit the informant alleged that petitioner misappropriated Rs. 1,53,61,221/-. When the Company was directed to file receipts issued by the petitioner, today Sri Surendra Kishore Thakur, the learned counsel for the Company, filed receipts showing misappropriation of Rs. 59 lacs. It is further submitted that from perusal of the receipts, it appears that petitioner had issued only 42 receipts, acknowledging the receipt of money from the customers, which comes to Rs. 40 lacs during the period 2011-16. Other receipts were issued by Amit Kumar Sinha, brother of the petitioner, Amit Singh and Noman Ansari at the instance of the petitioner. Amit Kumar Sinha has already been granted anticipatory bail. The petitioner is in jail for last six months. Charge sheet has already been submitted.

Sri Surendra Kishore Thakur, the learned counsel for the informant, and the learned Additional Public Prosecutor, on the other hand, opposed the prayer for bail and submitted that petitioner being the official of the Company issued money receipts causing huge loss to the Company. The petitioner also accepted this fact that he has misappropriated about three crores of rupees of the Company but it appears that only 42 receipts issued by the petitioner during the period 2011-16 are filed and many of the receipts are said to be handed over to the I.O. but the I. O. did not attach the receipts in the case diary.

It is submitted that petitioner has deposited the amount in the company.

Considering the facts aforesaid and the nature of allegation made against the petitioner and the fact that the allegation requires rendition of accounts and for that the petitioner is in jail for more than six months, the above named petitioner 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 the learned Chief Judicial Magistrate, Vaishali at Hajipur in Hajipur Sadar P.S. Case No. 41 of 2016.

(Prabhat Kumar Jha, J)

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