

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30562 of 2015

Arising Out of PS.Case No. -116 Year- 2015 Thana -FORBESGANJ District- ARRARIA

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1. Kapil Nath Jha Son of Late Mangla Nand Jha Resident of Village - Dumaria, P.S.- Jogbani (Bathana O.P.) District - Araria
 2. Nirmal Kumar Jha Son of Baidyanath Jha Resident of Village - Dumaria, P.S.- Jogbani (Bathana O.P.) District - Araria
 3. Abhijit Kumar Son of Prem Kant Jha Resident of Village - Dumaria, P.S.- Jogbani (Bathana O.P.) District - Araria

.... Petitioners

Versus

1. The State of Bihar
2. Raj Kumar Chaudhary, son of late Ram Chalitar Chaudhary, Kaptanwara, P.O. Khushi bagh, P.S. Town, District Purnea

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rishikesh Ojha

For the Opposite Party/s : Mr. U.S.P Singh (App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

10 16-03-2016 Heard learned counsel, appearing on behalf of the petitioners, and the learned Addl. Public Prosecutor, appearing on behalf of the State.

This application for grant of anticipatory bail arises out of Forbesganj P.S. Case No. 116/2015, disclosing offences under sections 420, 406, 467, 468. 471, 120B/34 of the Indian penal Code.

Managing Director, Mahakali Motors Pvt. Ltd., Purnea, which deals with sale of vehicles of TATA Motors, is the informant of the aforesaid Forbesganj P.S.Case No. 116 of 2015.

According to the case of the prosecution, petitioner no.1



was functioning as the Branch Manager of one of the Branches of the Company at Forbesganj, whereas petitioners no. 2 and 3, were the other employees, posted in the said Branch. It is alleged against them that they misappropriated the money received from the customers, which was required to be deposited in the account of the Company.

Learned counsel for the petitioners submits that because of some dispute between the Managing Director of the Company and employees of the said Branch, the present First Information Report has been maliciously instituted. He has also submitted that none of the customers have raised any grievance by filing case of any nature.

Learned Addl. Public Prosecutor, appearing on behalf of the State of Bihar, submits that the customers, in their statement recorded under section 161 of the Cr.P.C. by the police, have supported the prosecution case.

Be that as it may, considering the nature of accusation and the fact that there is no apparent likelihood of the petitioners fleeing from the course of investigation or trial, this application is allowed.

Let the petitioners, abovenamed, in the event of their arrest/ surrender before the court below within six weeks from

today, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Araria in Forbesganj P.S.Case No. 116/2015 (G.R.No. 899/2015), subject to the conditions as laid down under section 438(2) of the Cr.P.C.

This is subject to the condition that the petitioners shall present themselves before the police/ court, as the case may be, as and when required and in the event of failure on their part to appear before the court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Surendra/-

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