

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42658 of 2016

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1. Kavindra Kumar Son of Sri Vishwanath Prasad resident of Village - Maksudpur, P.S. - Fatuhan, District - Patna	 Petitioner
Versus	
1. The State of Bihar	 Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Kumar Sinha, Adv.
For the Opposite Party : Mr. Ramesh Chandra, APP 54

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 23-12-2016 Heard the learned counsel for the petitioner and the
State.

This is a petition for grant of regular bail for offence
under Sections 408, 420 and 34 of the Indian Penal Code.

According to first information report the petitioner
and some other co-accused, who were employees of the informant,
allegedly sold the mobile phones to different consumers, however,
did not deposit the consideration money with the company.

Allegation against the petitioner is of defalcation of
rupees nineteen lakh and odd.

Submission of the petitioner is that similarly situated
co-accused, Rupesh Kumar, against whom there was allegation of
defalcation of rupees fourteen lakh and odd, has already been
allowed bail by a coordinate Bench of this Court in Cr. Misc. No.
54408 of 2016.

Defence of the petitioner is that since his wages were
due with the informant and the petitioner was pressurizing for
payment of the wages that's why he has falsely been implicated in
this case.

Learned counsel for the informant opposed the prayer
on the ground that the petitioner has got two similar criminal



antecedents as disclosed in paragraph 3 of the bail petition, hence, his case is distinguishable from Rupesh Kumar, who had no criminal antecedent.

He, further, submits that the petitioner had filed a complaint against his conducting lawyer which was dismissed for non-prosecution. Therefore, the nature and conduct of the petitioner is material for consideration whether he deserves bail or not. He, further submits that in the case diary it has come that the petitioner has no permanent and fix place of residence, hence, there is chances that he may abscond after grant of bail.

Considering the nature and allegation, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with **Gandhi Maidan P.S. Case No. 517 of 2015** to the satisfaction of **Sri Supriya Goswami, Judicial Magistrate, 1st Class, Patna**, or successor Court with the condition that both the bailors shall be residents of jurisdiction of the Court below having immovable property.

(Birendra Kumar, J)

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