

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.49922 of 2015**

Arising Out of PS.Case No. -137 Year- 2015 Thana -HASANPUR District- SAMASTIPUR

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Sunil Kumar Agrawal @ Pappu Jee Son of Late Shri Krishna Agrawal,  
resident of Village Hasanpur Bazar, P.S. Hasanpur, District Samastipur.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Suneil Kumar Thakur, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh 1(App)

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

3      09-02-2016                      Heard learned counsel for the petitioner and learned  
counsel for the State.

The petitioner is apprehending his arrest in connection with Hasanpur P.S. Case No.137 of 2015 for the offences instituted under Sections 406, 408 and 379 of the Indian Penal code.

The prosecution story, in brief, is that the petitioner has been working in M/S Durga Sharan Udho Prasad K. Oil Depot as staff and he also used to keep the accounts of said firm. But since several months he has not given the accountancy before owner or senior officer of the firm. Under the aforesaid circumstances on the order of owner of depot he enquired the accounts of firm and found that found that Rs.5,42,579/- was

misappropriated by the petitioner and he did not give the satisfactory answer. But on interrogation he has given in writing that he shall pay the whole misappropriated amount till 30.5.2015. But he has not given the money and he left the firm along with the accounts register. The petitioner has also given a petition before SHO Hassanpur stating therein that he shall pay the embezzled amount till 30.5.2015.

It has been submitted on behalf of the petitioner that the petitioner was granted bail by the police.

Considering the aforesaid facts and circumstances of the case, the anticipatory bail application of the petitioner is not maintainable in connection with Hasanpur P.S. Case No.137 of 2015, pending in the court of the learned Judicial Magistrate, 1<sup>st</sup> Class, Rosera, District- Samastipur. Anyhow, if the petitioner surrenders in the learned court below the same shall be considered without being prejudiced by this order in view of ratio laid down in the case of Mahendra Prasad Singh Vs. The State of Bihar reported in 2004(3) P.L.J.R.491.

**(Sudhir Singh, J)**

N.H./-

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