

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37559 of 2016

Arising Out of PS.Case No. -277 Year- 2011 Thana -AURANGABAD TOWN District-
AURANGABAD

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Barun Kumar Singh @ Varun Kumar Singh, Son of Shri Sadhu Sharan Singh, Resident of Village Raksel Tendua, P.S. Hariharganj, District-Palamu (Jharkhand)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sushil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Satyadev Prasad Singh Yadav, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 21-09-2016

Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner apprehends arrest in connection with Aurangabad (Town) P.S. Case No. 277/11, for offences alleged under Sections 406, 420, 467, 468, 471, 120-B/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that he being an agent of O.C.P.L. Company Private Ltd. Aurangabad (hereinafter referred to as the Company) had deposited Rs. 95,000/- in the office of the said Company but no original receipt or bond paper was received by him within 45 days as promised. It is alleged that the petitioner being the Branch

Manager and other accused who are Directors, Chief Manager and Assistant Branch Manager of the Company, named in the First Information Report, have not given him a single document nor returned the money.

It has been submitted by the learned counsel for the petitioner that he joined the Company as Branch Manager for sometime and thereafter left the Company in April, 2009 and did M.B.A. from Pune and thereafter also joined various companies including Axix and Kotak Bank. He submits that petitioner was one of the employees of the Company like the informant, who was the agent and had nothing to do with the defalcation of the said amount. He further submits that other officials and employees of the Company have since been granted the privilege of anticipatory bail in Cr. Misc. No. 11783 of 2013 and 14242 of 2013 on 23.07.2013 and Cr. Misc. No. 17678 of 2016 on 03.05.2016 by this Court, although in a different case lodged by different person. It is submitted that all the other cases pending against him are in relation to the same Company where agents and depositors have lodged cases against him.

However, learned APP for the State Submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Aurangabad (Town) P.S. Case No. 277/11, G.R. No. 1746/11, subject to the conditions as laid down under Section 438(2) Cr.P.C.

However, it is made clear that the petitioner will cooperate with the investigation, provide all documents available with him and will appear before the police/ court as and when required and failure to do so without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

Rajesh/-

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