

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.56894 of 2015

Arising Out of PS.Case No. -637 Year- 2015 Thana -KHAZANIHAT District- PURNIA

1. Basista Arya, Son of Navin Kumar Nirala, Resident of Gali No.3, Chunapur Road, Sipahi Tola, P.S. K. Hat, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Uday Singh

For the Opposite Party/s : Mr. Dayanand Singh (App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 26-02-2016 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of K. Hat Police Station Case No. 637 of 2015, disclosing offences under Sections 406, 420, 504 and 506 of the Indian Penal Code.

The petitioner was working as Sales Officer under L & T Finance Company Limited, Purnea, a non-banking finance company. According to the case of the prosecution, certain loans were advanced to some persons, who, for the purpose of repayment, had made deposits, which were accepted by the petitioner without giving the depositors any receipt. Allegedly, the petitioner did not

deposit the said amount, totaling Rs. 96,160/- in the account of the company and, thus, misappropriated it for his personal use.

Learned Counsel appearing on behalf of the petitioner submits that it is because of some accounting dispute that the petitioner has been targeted by the officers of the Finance Company. He also submits that considering the nature of accusation, there is no chance that the petitioner will be tampering with the evidence or influencing the witnesses, if allowed the privilege of anticipatory bail.

Learned Counsel appearing on behalf of the informant, i.e., Marketing Sales Manager of the Finance Company, has vehemently opposed the prayer and has submitted that subsequent to institution of the First Information Report, the finance company has received few more complaints of similar nature.

However, considering the facts and circumstances of the case and the nature of accusation, this application is allowed.

Let the petitioner, Basista Arya, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial

Magistrate, Purnea, in connection with K. Hat (Sahayak) Police Station Case No. 637 of 2015, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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