

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1384 of 2016

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Jai Prakash Srivastava, son of Sri Shambhu Prasad Srivastava, resident of village- Barawa, Police Station - Majhauria, District -West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Vivek Ranjan, son of Late Yamuna Rajak, Dujara Devi Asthan, Post-G.P.O., P.S.-Budha Colony, District-Patna, at present posted at Idea Cellular Limited, Boring Road as Manager (Legal), Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Lalan Kumar Verma, Advocate
For the State	:	Mr. Umesh Lal Verma (APP)
For O.P. No.2	:	Mr. Rajesh Ranjan no.1, Advocate
		Mr. Shakti Sumar Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

6 05-09-2016 Heard learned counsel for the petitioner and the learned counsel appearing on behalf of the State. Learned counsel appearing for the informant is also present.

The petitioner is apprehending his arrest in connection with Chhatauni P.S. Case No.208 of 2015 registered for the offence under Sections 420, 406 and 409/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is an employee of Idea Cellular Company, Boring Road, Patna. Amongst the many duties assigned to him, one of the duties is that he is the Incharge of the distribution of recharge vouchers (R.C.V.) with the help of one Rakesh

Kumar.

The allegation against the petitioner is that at the end of August, 2015, it came to the knowledge of the informant that the petitioner had received RCV of Rs.15,00,000/- (Fifteen lacs) in between 18.7.2015 to 8.8.2015 by adopting wrong process and distributed the same to the Circle Distributors. When the said act came to the knowledge of the higher authorities, the petitioner left the office, switched off his mobile and could not be contacted for nearly a month, which necessitated filing of the F.I.R.

Learned counsel for the petitioner, however, submits that the petitioner was in no way concerned with the issuance of such recharge vouchers. On the contrary, after the entire process was undergone, the petitioner was the incharge only for distributing the same to the Circle Distributors. He had no concern with certifying as to what vouchers had come in damage and whether they were required to be re-issued or not. In view of such, certifying is not by him rather other employees are also involved and he is responsible only for circulation of the ready recharge vouchers, the petitioner cannot be held liable for any offence which may have been committed.



Learned counsel for the informant, however, submits that the petitioner was in league with one Rakesh Kumar, who was the incharge of the Monthly Information System (MIS) of the Company and whatever recharge vouchers came in damage, he placed the same into the computer and after such entries of damaged vouchers, fresh vouchers were issued in lieu thereof. It is only thereafter the petitioner's role began as he was the one who circulated the recharge vouchers.

Learned counsel appearing on behalf of the State submits that it was the petitioner who had sold and distributed the aforementioned vouchers in the market.

However, after hearing the learned counsel for the petitioner and the learned counsel for the informant as well as the learned counsel for the State and on perusal of the case diary, it appears that save and except the allegations made in the F.I.R., there is no cogent material in the case diary to implicate the present petitioner.

As such, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond

of ₹10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the court of the learned Chief Judicial Magistrate, (East Champaran), Motihari, in connection with Chhatauni P.S. Case No.208 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is, however, made clear that the petitioner shall present himself before the court below and also before the investigating officer for any further inquiry, as and when required. If the petitioner abstains to present himself before the court below and also before the investigating officer for two consecutive dates, without any valid or reasonable cause, it shall be open to the prosecution to proceed further in accordance with law.

(Anjana Mishra, J)

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