

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46539 of 2015

Arising Out of PS.Case No. -381 Year- 2014 Thana -BIHTA District- PATNA

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Alok Kumar @ Alok Son of Anil Singh Resident of Village : Enarwan, P.O. Jageshwar Asthan Hulash Patti, P.S. : Phulparas, District : Madhubani, Bihar.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Mohan Kumar Singh

For the Opposite Party/s : Mr. Umesh Lal Verma (APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 03-05-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner apprehends his arrest in connection with Bihta P.S. Case No. 381 of 2014 registered for the offences punishable under Sections 420, 406, 407, 408 of the Indian Penal Code.

Earlier case diary of the present case was called for, which has since been received.

Learned counsel for the petitioner submits that the petitioner being the daily wage earner in the Tirupati Balaji Nutrition Private Ltd., used to maintain the accounts of the aforementioned company. It is further submitted that he had no



role to play either in the collection or deposit of money and therefore, the allegation as against the petitioner that he had defalcated the huge amount of cash, is wholly misconceived. It is further submitted that in view of the fact that there was any entrustment of cash to the petitioner, no case under Section 424, 426 and 407 would be made out against the petitioner.

Learned counsel for the State submits that there is consistent material in the case diary to show that the petitioner had defalcated the money. However, in the relevant portion as stated in the impugned order, does not indicate that actually, there was no element of entrustment of cash to the petitioner and in fact, it was Abinash Kumar, the cashier of the said company who used to collect the cash and deposit the same in the bank and not this petitioner.

Considering the aforesaid facts and circumstances of the case and also the fact that petitioner has got no criminal antecedent, 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, is/are directed to be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate,

Danapur in connection with Bihta P.S. Case No. 381 of 2014,
subject to the conditions as laid down under Section 438(2) of the
Cr.P.C.

Jagdish/-

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(Anjana Mishra, J)