

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.58308 of 2015

Arising Out of PS.Case No. -208 Year- 2015 Thana -CHATOUNI District-
EASTCHAMPARAN(MOTIHARI)

1. Rakesh Kumar Son of Shree Shambhu Kumar Karn @ Shambhu Kumar
Lal R/o Village-Daliay, P.S.-Gayghat, District-Muzaffarpur.

.... .. Petitioner/s

Versus

1. The State of Bihar

.... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shambhu Kumar

For the Opposite Party/s : Mr. Murli Dhar(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 04-03-2016

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

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

The prosecution case, in brief, is that the informant
Vivek Ranjan gave a petition to S.H.O. , Chhatauni P.S. stating
therein that the informant is the manager in the Idea Cellular
Company and his Branch office is situated at Chhatauni Chauk,
Motihari, where Jaiprakash Srivastava and Rakesh kumar
(petitioner) were employed to sell the recharge voucher and other
articles. It is alleged that Jai Prakash Srivastava was assigned to
get all the R.C.V. (recharge voucher) from main office and to
distribute among the distributors. R.C.V. and other goods were

distributed with the help of the petitioner Rakesh Kumar. At the end of August, it was found that co-accused Jai Prakash Srivastava had received R.C.V. of Rs. 15,00,000- in between 18.07.2015 to 08.08.2015 by adopting wrong process and distributed among the circle distributors and details has been annexed as annexure-3. On 09.08.2015 Jaiprakash Srivastava left the office and also closed his mobile contract No. 8873000109 and after 14.08.2015 Rakesh Kumar, the petitioner also left the office and closed his mobile contact No. 8873097347. The informant claimed that the accused persons defalcated the amount of Rs. 15, 00,000/- and cheated the company.

It has been submitted by the learned counsel for the petitioner that he was in regular appointment of the Idea Cellular Ltd, Chhatauni and MIS Associate at L5 level, which was extended from time to time. It has further been submitted that the petitioner is innocent, having no criminal history and did not receive any recharge voucher and co-accused Jaiprakash Srivastava was amongst the Circle distributors and not the petitioner.

It has further been submitted that he had already submitted his resignation on 16.03.2015 and was not working with the Idea Cellular Company. Hence, the allegation upon him is baseless. It has been submitted that the petitioner is not involved in any money transaction in relation to re-charge voucher, which

was distributed among the distributors.

However, learned A.P.P. for the State submits that the petitioner is named in the F.I.R. and opposes the prayer for bail.

Be that as it may, let the above named petitioner 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 bonds of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari (East Champaran) in connection with Chhatauni P.S.Case No. 208/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P. C.

(Nilu Agrawal, J)

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