

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38683 of 2016

Arising Out of Case No. -270 Year- 2015 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

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Kunal Kumar @ Kunal Mishra son of Sri Sunil Kumar, resident of
Village- Mour, P.S. Barbiga in the District of Sheikhpura.

.... Petitioner

Versus

1. The State of Bihar
2. Rekha Devi, Wife of Sri Praveen Paswan, resident of Village- Malipur
Tara, Post- Malipur, PS. Gdhpura in the District of Begusarai.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 26-09-2016 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the
offences alleged under Sections 420/34 of the Indian Penal Code
registered in connection with Complaint Case No. 270 of 2015.

3. It is submitted that the petitioner, an employee of
the concerned Bank, merely assisted the informant in depositing
an amount of Rs. 16,000/- into account no. 20102574346
belonging to Jyoti Mishra. It is submitted that the relevant pay-in-
slip had been filed by the complainant herself and was not found
in the handwriting of the petitioner in terms of the Banking
Ombudsman's report dated 13.05.2015. The complainant has
deliberately described the petitioner as 'Kunal Mishra' to
somehow connect him with the account-holder Jyoti Mishra by
using the same surname, whereas the name of the petitioner is
'Kunal Kumar'. It is further stated that in any event, the Bank has
placed the account of Jyoti Mishra on hold for Rs. 20,000/-
(Annexure-5). Petitioner claims clean antecedents.

4. Having regard to the entirety of the facts and circumstances of the case, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of Mr. Md. M. Alam, learned Additional Chief Judicial Magistrate-III, Rosera, Samastipur in connection with Complaint Case No. 270 of 2015, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Md. Ibrarul/Chandran/BT

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