

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25941 of 2016

Arising Out of PS.Case No. -105 Year- 2014 Thana -BARH District- PATNA

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Uday Kumar, Son of Naresh Mahto @ Ram Naresh Resident of Village-
Samsipur (Mamalkhabad), P.S.- Pandarakh, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. P.K.Jha (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 10-08-2016

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with
Barh P.S. Case No. 105 of 2014 registered for the offence
punishable under Sections 406, 420 and 120B of the Indian Penal
Code.

The prosecution case, as lodged by the agents
working at Barh Branch of CWBCL Company Ltd. having its
head office at Kolkata, is that petitioner being the Manager of the
said company at Barh along with the CMD and the Director of the
said company embezzled Rs. 25 lacs of the people, who used to
deposit their money through them.

It has been submitted by the learned counsel for
the petitioner that petitioner is innocent and has been falsely



implicated in the aforesaid case. He further submits that the petitioner is neither the Branch Manager of the Company at Barh nor he has any share capital in the company, rather, he has also invested a sum of Rs. 35,000/- in the name of his family members in the said CWBCL company. He submits that petitioner is a Teacher taking tuition in the village and has home and hearth in the village. He further submits that petitioner is also a victim of Kolkata based Chit-fund company. He submits that the investigation is still going on and he will fully cooperate with the investigation and will not tamper with the evidence and that he has no criminal antecedent, as is evident from paragraph 3 of this application.

However, learned A.P.P. for the State submits that petitioner is named in the First Information Report and some witnesses have supported the involvement of the petitioner, hence, opposes the prayer for bail.

Be that as it may, since the allegation is upon Kolkata based company whose CMD and Director are Babloo Kumar Sharma and Jitendra Kumar respectively, let the petitioner, named above, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten

thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Barh in connection with Barh P.S. Case No. 105 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, it is made clear that petitioner will appear before the police/ Court as and when required and his failure to appear before the learned Court below on two consecutive dates without assigning any reason, will entail cancellation of his bail bonds without being prejudiced by this order.

(Nilu Agrawal, J.)

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