IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38577 of 2017

Arising Out of PS.Case No. -134 Year- 2017 Thana -GOVINDGANJ District- EASTCHAMPARAN(MOTIHARI)

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1. Subhash Chandra Gupta, son of Ram Briksh Gupta, Resident of Village- Damodarpur, P.S.- Faranda, District- Gajipur, Manager, Satin Credit Care Network Ltd., Areraj, District- East Champaran at Motihari.

2. Kundan Kumar Pandey, son of Shatrughan Pandey, Resident of Village- Siswa Rasalpur, P.S.- Madhaura, District- Saran at Chapra, presently posted as C.S.O., Satin Credit Care Network Ltd., Areraj, District- East Champaran at Motihari.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Opposite Party/s : Mr. Smt Sangeeta Sharma

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

2 22-08-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Govindganj (Areraj) P.S. Case No. 134 of 2017 instituted for the offence under Sections-420/379 of the Indian Penal Code.

As per written report, the informant was working as community service officer in the office of Satin Credit Care Network Ltd., Areraj on fixed salary. It is alleged that her salary for month of December, 2016 January and February, 2017 was not paid. She contacted with the branch manager who told that salary for month of March might have been credited in her Bank Account. She checked her account through ATM and became confirmed that her salary for March has not been credited. She again contacted the Branch Manager (petitioner No. 1) on 01-04-2016 who told her to hand over her ATM card to another CSO Kundan Kumar Pandey to check her statement of account and on faith, she gave her ATM card to Kundan Kumar Pandey (petitioner No. 2). He returned her ATM card back on same day i.e. 01-04-2016 and she kept her ATM card without checking it. It is alleged that on 25-04-2017, while she went to withdraw the amount through ATM card, she found that the ATM card was in the name of Anand Mohan Giri. It is further alleged that she verified her bank account and came to know that an amount of Rs. 44,885/- has been withdrawn from her account.

In this manner, from the written report itself, it appears that her ATM card was returned by petitioner No. 2 on 01-04-2016 itself and thereafter, after more than one year, she learnt that the aforesaid ATM card belonged to Anand Mohan Giri and she found Rs. 44885/- has been withdrawn from her account.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners named above in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Govindganj (Areraj) P.S. Case No. 134 of 2017 to the satisfaction of learned Additional Chief Judicial Magistrate-Ist, East Champaran, Motihari subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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