

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 45072 of 2016

Arising Out of PS.Case No. -51 Year- 2016 Thana -AIRPORT District- PATNA

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Mukesh Kumar, aged about 31 years, Son of Sri Om Prakash Prasad,
Resident of Mohalla at the tenanted house of Surendra Prasad, Mahavir
Lane, Naya Gaon, P.S.- Pirbahore, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Rakesh Dubey, Advocate

For the Opposite Party/s : Mr Kanhaiya Kishore, APP

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CORAM: HONOURABLE MR JUSTICE SANJAY PRIYA

ORAL ORDER

6 17-05-2017 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner apprehends arrest in connection with
Hawai Adda Police Station Case No 51 of 2016, GR No 2256 of
2016 instituted for the offence under Sections 406, 420 of Indian
Penal Code.

There is allegation in the written report that the
informant had shop in the name and style of Ashwarya Sarees
located in Vibha Palace, Khajpura, Bailey Road, Patna. The
petitioner was working as a Manager in the aforesaid shop. He
has defalcated Rs 30 to 40 lacs. It is further alleged that on
interrogation, he disclosed that he had delivered the cash and



cloths to his relation who has shop with the name Shivangi Sarees in Ashiana Road, Patna. It is further alleged that this petitioner got cheque of Rs 5,11,148/- issued from Shivangi Saree in favour of the informant and also kept his motorcycle as a security but later on, the petitioner was not found when informant tried to contact him.

Learned counsel for the petitioner submitted that the petitioner was the employee in the shop of the informant. He did not receive the wages for which he made the demand and also filed a complaint case vide Complaint Case No 1001C of 2016. The instant case is a counterblast to the complaint case filed by the petitioner. It is further alleged that except suspicion and vague allegation, there is no substantive material in the case diary against the petitioner.

Learned APP has submitted that witnesses have supported the version of the informant in the case diary but in the written report itself, there is no specific allegation of any overt act against the petitioner.

In the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner above named within six weeks from today in connection with Hawaii Adda Police Station Case



No 51 of 2016, GR No 2256 of 2016, he shall be released on anticipatory bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate 01st Class, Patna subject to the conditions as laid down in Section 438 (2) of Criminal Procedure Code with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned, (2) petitioner 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 petitioner and (3) if petitioner tampers 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 petitioner.

(Sanjay Priya, J)

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