

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26215 of 2016

Arising Out of PS.Case No. -219 Year- 2016 Thana -SITAMARHI District- SITAMARHI

=====

1. Ajay Kumar, Son of Late Satya Narayan Prasad, resident of village-
Purani Bazar, Ward No.11, P.S.- Sitamarhi, District- Sitamarhi
.... Petitioner

Versus

1. The State of Bihar
.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Ajay Kumar Thakur, Sr. Adv. With
M/S Pravin Kumar & Shashank Shekhar, Adv.
For the State : Mr. Amitesh Kumar, APP 8
For the informant : Mr. Ashok Kumar Jha, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

12 06-04-2017

Heard the learned counsel for the petitioner
and the State.

This is a petition for grant of anticipatory bail for
offence under Sections 406, 420, 467, 468 and 471 of the
Indian Penal Code.

The petitioner was an employee of the informant.
Allegation is of defalcation of rupees thirty lakh during
the course of being In-Charge of the business of the
informant.

The learned counsel for the informant has
opposed the prayer for bail and relied on the audit report
of flag 'B' of the counter affidavit for his submission that
the auditor has found theft of goods and cash by the
employee.

Submission of the petitioner is that it is peculiar
report. How an Auditor can say that the said amount and



goods were stolen by the employee and not by the owner ?
He is not eye witness of the occurrence rather he is an Auditor of the accounts only.

Considering the aforesaid fact, the petitioner, above named, in the event of his arrest or surrender, within four weeks from the date of receipt of this order, be released on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with **Sitamarhi P.S. Case No. 219 of 2016** to the satisfaction of the **Chief Judicial Magistrate, Sitamarhi**, or successor Court, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

(Birendra Kumar, J)

SA/-

U	√	T	√
---	---	---	---

