

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22187 of 2017

Arising Out of PS.Case No. -726 Year- 2015 Thana -KATIHAR District- KATIHAR

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Avinash Kumar Jha @ Avinash Jha S/o Sivanand Jha Resident of Mohalla-
Hussainabad, P.S.Katihar(Town), District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Niraj Sinha, S/o Late Shyamal Nand Lal, Circle Manager, M/s Sangam Parivahan Ltd. Patna, R/o Jakkanpur, P.S. Jakkanpur, Dist. Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. Suresh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

5 04-10-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is apprehending his arrest in connection with Katihar (Town) P.S. Case No. 726 of 2015 registered for offences under sections 406, 420, 120(B) of the Indian Penal Code.

Admittedly the petitioner was a Cashier, after audit, it was found that there is a defalcation of Rs. 3.78 Lakhs. Learned counsel for the petitioner submits that the allegation that the petitioner has slipped away from the place of working is completely incorrect rather transferred to another place, accordingly, he has joined to the new place of posting. Learned counsel for the petitioner further submits that the petitioner is ready to deposit Rs. 2 lakhs but, in four equal installments. In that view of the matter, let the petitioner should deposit Rs. 50,000/-



in the Company within a period of fifteen days from today and, thereafter, the rest amount will be paid in three equal installments in a gap of two months of each installment.

In view of the aforesaid undertaking given by the learned counsel for the petitioner, let the petitioner, namely, Avinash Kumar Jha @ Avinash Jha, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Katihar in connection with Katihar (Town) P.S. Case No. 726 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

It is made clear that if the petitioner fails to deposit any of the installments, the benefit, which is being granted today, will be treated to have been withdrawn. It is also made clear that if the petitioner succeeds in the criminal case, this Court directs the Company, in that event, the petitioner will receive entire amount along with the interest.

(Shivaji Pandey, J)

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