

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40303 of 2016

Arising Out of PS.Case No. -70 Year- 2016 Thana -GANDHIMAIDAN District- PATNA

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Kumar Sanjiv Yadav @ Sanjiv Kumar, son of Shankar Rai, resident of
Harna, P.S. Dariyapur, District - Patna.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Manoj Kumar Singh, Advocate.

For the State : Mr. Jagdhar Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

6 09-02-2017

Heard learned counsel for the petitioner and the State.

Petitioner apprehends his arrest in connection with a
case registered under Sections 406 and 420 of the Indian Penal
Code.

The allegation, in brief, is that the petitioner was
collecting agent of Hi-Tek Syndicate and works with HDFC and
other Banks for collecting E.M.Is., amount from loanees of the
Bank. It is alleged that the petitioner did not deposit the money
after collecting it from nine customers in E.M.Is., as he had
collected Rs. 1,08,930/- but did not deposit the amount with Hi-
Tek Syndicate.

It is submitted by learned counsel for the petitioner that



money was directly deposited by the petitioner to HDFC Bank. It is further submitted by showing Annexure-2 that he has deposited Rs. 63,695/- out of Rs. 1,08,930/- which was to be deposited with Hi-Tek Syndicate after collection from the customers.

Learned counsel appearing for the opposite party no. 2- HDFC Bank has denied the aforesaid facts and submitted that as the Agency was responsible for collecting E.M.Is., therefore, indemnified the HDFC by paying the said amount. The Investigating Agency has also found the allegation true in the case. she further submits that Annexure-2 shows that the amount was not deposited in Hi-Tek Syndicate after collection from nine customers. There is procedure to deposit the collected money with Hi-Tek Syndicate and accordingly, acknowledgement receipt was given to the collecting agent but no receipt has been submitted. She also points out that the petitioner had taken 03 booklets containing 30 receipts, 09 receipts have been used but 21 receipts have not been returned back and there is suspicion of misuse of those receipts also.

In the case diary also there is no material to show that money collected by the petitioner was deposited.

Having considered the aforesaid facts and circumstances, prayer for anticipatory bail of the petitioner is



refused in connection with Gandhi Maidan P.S. Case No. 70 of
2016, pending in the court of Miss Supriya Goswami, learned J.M.
Ist Class, Patna.

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(Arun Kumar, J)

