IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12312 of 2017

Arising Out of PS.Case No. -40 Year- 2017 Thana -BANKA District- BANKA

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Kundan Kumar Singh, Son of Shri Devendra Prasad Singh, Resident of Ward No. 7, Babutola Nagar Parishad, Banka, P.S. & District-Banka.

.... Petitioner/s

Versus

1. The State of Bihar
2. Indu Shekhar Jha, Son of Manohar Jha, Proprietor, M/S Kavya Automobiles Rani Talab, Sabour Road, P.S. + District-Bhagalpur.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Amrit Abhijat
For the Opposite Party/s : Mr. Sri Ajay Kumar-1

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 23-05-2017 Heard both sides.

The petitioner apprehends his arrest in Banka P.S. Case No.40 of 2017 registered for the offences punishable under Sections 420, 467, 468, 471 and 120B/34 of the Indian Penal Code.

The informant alleged that the petitioner, who is an employee of his automobile agency, sent message from his mobile that Md. Aziz deposited Rs.60,000/- as margin money after taking loan from the Union Bank of India, Banka. The vehicle was delivered to Md. Aziz on 21.12.2016. It is further alleged that the petitioner also asked the informant that one Kanti Devi also deposited Rs.55,000/- as margin money after taking loan from

Mahindra Finance, Banka. Both the vehicles were delivered to the customers, but it transpired that the petitioner did not produce any document of deposit of margin money and the loan documents. It is alleged that the petitioner, being the employee of the agency, committed fraud and misappropriated the entire amount.

Learned counsel for the petitioner submits that the petitioner did not misappropriate any amount. Without any document of sanction of loan vehicle should not have been delivered. The petitioner was an employee of the agency, but false case has been lodged.

It appears that there is allegation that the petitioner informed the informant that Md. Aziz deposited Rs.60,000/- as margin money after taking loan from the Union Bank of India, Banka. Similarly, Kanti Devi also deposited Rs.55,000/- as margin money to get loan from Mahindra Finance for delivery of the vehicle. The vehicles were delivered, but it transpired that the petitioner did not produce any paper and he misappropriated the entire amount.

Considering the nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, his prayer for anticipatory bail in connection with Banka P.S. Case No.40 of 2017 pending in the court of learned Chief Judicial Magistrate, Banka is rejected.

(Prabhat Kumar Jha, J)

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