

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56167 of 2017

Arising Out of PS.Case No. -487 Year- 2017 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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Rikesh Kumar Jha, S/o Sri Purushottam Jha, R/o Village- Singhnan, P.S.-
Rajaun, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar
2. Hemant Kumar, son of Sri A.K. Sharma, D.T.D.C.Ex. Ltd.: Surya Prabha Mensions, L.I.C. Office's back, Exhibition Road, Patna, P.S. Kotwali, Distt. Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Zainul Abedin, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

4 23-02-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Kotwali P.S.**

Case No. 487 of 2017, G.R. No. 3752 of 2017 instituted for the
offence under Section 406 of the Indian Penal Code.

In the instant case notice was issued to the informant
which was validly served but informant did not appear.

Allegation against the petitioner is that while he was
working as Data Operator in local office DTDC Export Limited,
Bhagalpur, he collected an amount of Rs.1,14,842/- from the
customer in the name of Company during March and April 2017
and has not deposited the amount in the account of company.
When demand was made, the petitioner gave in writing that he
will do the work, but he stopped coming to office thereafter.



The statement of account has also been enclosed showing the money which has been misappropriated by the petitioner.

It has been submitted that petitioner is ready to deposit the amount as mentioned in the written report, in six installments in the Company.

In such circumstances, this application is disposed off with direction to the petitioner to surrender in the court below i.e. **Chief Judicial Magistrate, Bhagalpur**, within a period of four weeks from the date of receipt/production of a copy of this order along with the receipt showing the valid proof of making payment of 1st installment, and in that event the court below will release the petitioner on provisional anticipatory bail to its own satisfaction for a period of six months in connection with **Kotwali P.S. Case No. 487 of 2017, G.R. No. 3752 of 2017** subject to the conditions as laid down under Section 438 (2) Cr. P.C. 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.

The petitioner will deposit the remaining amount in five installments and after depositing the entire due amount as mentioned in the written report, the court below will confirm the provisional anticipatory bail of the petitioner after six months.

It is made clear that in the event petitioners make default in making payment as ordered above, the court below will be at liberty to pass appropriate order in accordance with law including cancellation of provisional anticipatory bail granted to the petitioner.

(Sanjay Priya, J)

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