

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.21313 of 2017**

Arising Out of PS.Case No. -7 Year- 2017 Thana -MANSURCHAK District- BEGUSARAI

1. Sanjay Mishra @ Sanjay Kumar Mishra, son of Ganesh Mishra, resident  
of village - Shokhara, Police Station - Phulwaria, District - Begusarai.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

With

**Criminal Miscellaneous No.50343 of 2017**

Arising Out of PS.Case No. -7 Year- 2017 Thana -MANSURCHAK District- BEGUSARAI

1. Shankar @ Shiv Shankar Poddar @ Shankar Poddar, son of late  
Brahmdeo Poddar, R/o Village- Mubarakpur Chandaaur, P.S.-  
Bhagwanpur, District- Begusarai, at present R/o Village- Shokahara,  
P.S.- Fulwaria, District- Begusarai.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

**Appearance :**

(In Cr.Misc. No.21313 of 2017)

For the Petitioner/s : Mr. Ravi Shanker Pankaj, Advocate

For the Opposite Party/s : Smt. Gulnar Begam, APP

Mr. Jai Prakash Verma, Advocate

(In Cr.Misc. No.50343 of 2017)

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate

For the Opposite Party/s : Smt. Suman Kumari Singh, APP

Mr. Jai Prakash Verma, Advocate

**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**

**ORAL ORDER**

7/ 10-01-2018

Heard learned counsel for the petitioners and learned

APP for the State.

Petitioners apprehend their arrest in **Mansurchak**

**P.S. Case No.07 of 2017** instituted for the offence under

Section(s) 408, 420 Indian Penal Code.

It is alleged in the First Information Report that in



the year 2012-13, petitioner of Cr. Misc. No.21313 of 2017, namely, Sanjay Mishra @ Sanjay Kumar Mishra was appointed as Accountant by the then Manager of the Cold Storage and since then he has been maintaining financial account. It is alleged by the Informant that when account was demanded from Sanjay Mishra @ Sanjay Kumar Mishra, then he avoided and thereafter one Rajeev Kumar was appointed to help the petitioner, Sanjay Mishra @ Sanjay Kumar Mishra, to provide the account. New Manager, Ishtiaque Ahamad, was appointed on 20.01.2017. When the account for the period 2016-17 was loaded on the computer then irregularities of the amount to the tune of rupees thirty five lac was found in the account of financial year 2016-17. On 27.01.2017 at about mid night, while the accounting work was going on, Accountant, Sanjay Mishra @ Sanjay Kumar Mishra, told that he would do further work in the morning, but in the next morning, Sanjay Mishra @ Sanjay Kumar Mishra, was not found in the Cold Storage. New Manager informed the informant on telephone. The informant reached Cold Storage and found Sanjay Mishra @ Sanjay Kumar Mishra absent. The informant verified the office records and found some important documents were missing, which were signed by Sanjay Mishra @ Sanjay Kumar Mishra.



In terms of the order dated 13.07.2017 passed in Cr. Misc. No.21313 of 2017, petitioner, Sanjay Mishra @ Sanjay Kumar Mishra, was granted an opportunity by this Court to explain his case before the concerned persons and the Investigating Officer of the case for which he was also granted interim protection from the Court.

Counter Affidavit has been filed by the Investigating Officer, wherein, it has been submitted that petitioner, Sanjay Mishra @ Sanjay Kumar Mishra, never appeared before the Investigating Officer. He only sent letter by Speed Post to the Investigating Officer stating therein that he has been falsely implicated in this case.

Counsel for the petitioner of Cr. Misc. No.50343 of 2017 submits that he is not named in the First Information Report. He was Manager in the aforesaid Cold Storage till 2012. He has left the job much prior to the occurrence in the year 2012 itself and since then he has no concern with the work. Irregularities alleged to have been found is for the year 2016-17 when the petitioner, Shankar @ Shiv Shankar Poddar @ Shankar Poddar, was not the Manager. Learned counsel for the petitioner has submitted that his name has come during investigation. Counsel for the petitioner has further submitted that no First



Information Report has been lodged by the informant against him for the shortage of the amount for the period when he was Manager of the Cold Storage.

In the facts and circumstances of the case, prayer of the petitioner, **Shankar @ Shiv Shankar Poddar @ Shankar Poddar, (Cr. Misc.No.50343 of 2017)** for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner **Shankar @ Shiv Shankar Poddar @ Shankar Poddar, (Cr. Misc.No.50343 of 2017)** within six weeks from today in connection with **Mansurchak P.S. Case No.07 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Chief Judicial Magistrate, Begusarai**, 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.

So far as allegation against petitioner **Sanjay Mishra @ Sanjay Kumar Mishra of Cr. Misc. No.21313 of 2017** is concerned, there is specific allegation against him of committing irregularities in the account while working as Accountant for the year 2016-17. He also did not comply the order dated 13.07.2017 of this Court whereby he was given opportunity to appear before the Investigating Officer, which is apparent from the Counter Affidavit filed on behalf of the Investigating Officer.

In view of such, prayer of the petitioner **Sanjay Mishra @ Sanjay Kumar Mishra (Cr. Misc. No.21313 of 2017)** for grant of anticipatory bail is **rejected**.

Petitioner Sanjay Mishra @ Sanjay Kumar Mishra may surrender before the Court below and seek regular bail, which shall be considered and disposed off in accordance with law without being prejudiced by this order.

**(Sanjay Priya, J)**

JA/-

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