

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3694 of 2018

Arising Out of PS.Case No. -520 Year- 2017 Thana -AGAMKUAN District- PATNA

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Deepak Chauhan, S/o Sri Rambriksha Chauhan, Resident of SFA-1/23,
HIG Sector-3, Bahadurpur, P.S.- Agamkaun, District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. P.K. Shahi, Sr. Adv.
Mr. Satyam Shivam Sundaram, Adv.
For the Opposite Party/s : Mr. Sri Amitesh Kumar
For the Informant : Mr. Sanjeet Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 30-03-2018

Heard the learned counsels for parties.

The petitioner seeks anticipatory bail in connection with Agamkuan PS case no. 520 of 2017 registered for the offences punishable under Section 409 of the Indian Penal Code.

The case of the prosecution is that upon an audit having been conducted in the godown of Greaves Cotton Ltd., it was found that there were several irregularities and stock amounting to a sum of Rs. 63 lacs was missing. It has been alleged in the FIR that the Assistant Manager, i.e. the petitioner herein, is responsible for keeping stock of the accounts and the goods in the godown, however, on account of his dereliction of duty, the goods amounting to Rs. 63 lacs have been misappropriated.



The learned Senior counsel appearing for the petitioner submits that first of all the job provided to the petitioner herein, according to his appointment letter dated 23.9.2015, does not entitle him to keep track of the stock of the godown. It is further submitted that a security agency is engaged to keep and watch the goods being taken in and out of the godown. It is further submitted that the petitioner is ready to abide by any terms and conditions which this Court may impose. The petitioner is stated to be having a clean antecedent.

Per contra, the learned counsel for the informant has submitted that a huge quantity of stock of the company has been defalcated and misappropriated resulting in huge loss to the company. It is further submitted that if bail is granted to the petitioner, then investigation of the case will be effected.

Having regard to the facts and circumstances of the case, in the event of arrest or surrender before the concerned court within a period of six weeks from the date of receipt/production of a copy of the present order, the petitioner above named is directed to be released on anticipatory bail on furnishing bonds of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Patna City in connection with Agamkuan PS case no.



520 of 2017, subject to the conditions laid down under Section 438(2) of Code of Criminal Procedure.

It is further directed that the petitioner shall join investigation and would be present as and when he is called by the investigating agency. Any non-cooperation with the prosecution will result in cancellation of the present privilege of anticipatory bail, for which the investigating Officer/ prosecuting agency shall be free to approach this Court.

It is further directed that the petitioner would mark his presence before the Officer Incharge of the concerned Police Station at 10 A.M. on each Monday of the week and on account of his failure on three consecutive occasions to mark his attendance, the present privilege of anticipatory bail shall stand cancelled automatically.

(Mohit Kumar Shah, J)

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