

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.23537 of 2018**

Arising Out of PS. Case No.-461 Year-2016 Thana- GANDHIMAIDAN District- Patna

Vivek Kumar aged about 30 years son of late Vinay Sharma, R/o village Babhanpura, P.S.Phulwarisharif, Dist. Patna

... .. Petitioner/s

Versus

1. The State Of Bihar  
2. Mahesh Prasad, S/o Prabhunath Rai, R/o Shivatola, Village + Post Sherpur, P.S. Maner, Dist. Patna.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Nishant Kumar Jha  
For the Opposite Party/s : Mr. Sri Jitendra Kumar Singh

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

4     16-07-2018             Heard learned counsel for the petitioner and learned APP  
for the State.

Petitioner apprehends his arrest in Gandhi Maidan P.S.  
case no. 461 of 2016 instituted for the offence under Section(s)  
406 and 420 of the Indian Penal Code.

In the written report it is alleged against this petitioner  
that he was working as an employee of Radiant Cash  
Management Service Company. The petitioner was given Rs.  
1,57,930/- of Magma Finance, Rs. 4,21,200/- of V- Mart, Rs.  
4,33,270/- of Bazar Retail, Kolkata, Rs. 50,000/- of Khadim  
India and Rs. 15,800/- of Arvind Life Style by the aforesaid  
Company to deposit those amounts in State Bank of India,  
SCAB, Patna Main Branch, Gandhi Maidan, Patna. It is further



alleged that the informant got information on phone from the State Bank of India, Gandhi Maidan that this petitioner although has taken away the deposit receipts from the Bank but he has not deposited the aforementioned amount of Rs. 4,21,200/- of V- Mart in the Bank rather he has only deposited the changed amount i.e. 57 currency note of Rs. 1000 denomination, 77 currency note of Rs. 500/- denomination, and 55 currency note of Rs. 100/- denomination and this petitioner has taken back Rs. 3,20,000/- of V-Mart with him and has not deposited the same in the Bank.

Learned counsel for the petitioner has filed the receipt issued from the State Bank of India vide Annexure-2 to the bail petition which shows that he had deposited the entire amount of Rs. 4,21,200/- in the State Bank of India.

None appeared on behalf of the opposite party no.2 after valid service of notice.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Gandhi Maidan P.S. case no. 461 of 2016, 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 learned Sub Judge-VI-cum- ACJM, Patna, 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.

**(Sanjay Priya, J)**

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