

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29115 of 2018

Arising Out of PS. Case No.-91 Year-2018 Thana- BUDDHACOLONY District- Patna

Aman Kumar @ Aman Kumar Srivastava S/o Sri Santosh Prasad, R/o Qtr.
No. 730/A , Lanka Colony, Khagaul, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sri Shubhankar Biswas, S/o late Bimal Kumar Biswas Talent Pro India HR
Pvt. Ltd.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Roona Advocate
For the Opposite Party/s	:	Mr.Siddharth Harsh, Advocate
For the State	:	Mr. R.B.Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 26-07-2018 Heard learned counsel for the petitioner, learned APP for
the State and learned counsel for the informant.

Petitioner apprehends his arrest in Buddha Colony P.S.
case no. 91 of 2018 instituted for the offence under Section(s)
406,420,506 and 385 of the Indian Penal Code.

In the written report, it is alleged that this petitioner was
working as Junior Officer- Trade Marketing w.e.f. 1st April,
2016 and during internal audit it has been detected that
misappropriation of an amount of Rs. 35 lacs have been done
by this petitioner. The company issued show cause notice
followed by reminder and also told him to return the
company's assets including laptop and several relevant



confidential documents related to the company. The petitioner never filed any explanation nor returned the document. It is alleged that on 13.2.2018 the petitioner returned the laptop of the company but still he was in possession of the confidential documents. It is further alleged that petitioner is threatening the company and demanding the extortion money of Rs. Five lacs.

Learned counsel for the petitioner has submitted that in the entire FIR the allegation is vague. The petitioner was working on off-roll basis and he has no concern with any financial transaction between the vendors and the company. Petitioner has referred to Annexure-6, which is a certificate issued by an Allied Enterprises by which N.O.C. was granted to the petitioner, wherein, it is mentioned that petitioner was not involved in cash transaction or any kind of transaction with Allied Enterprises. It has further been submitted that petitioner was on deputation basis for a period from 1.4.16 to 31.3.17 (Annexure-2)

A counter affidavit has been filed on behalf of the opposite party no.2 stating therein that his work contract was extended up to 2018 and the petitioner was conveyed this fact vide letter dated March, 31, 2017 vide Annexure B to the



counter affidavit

Learned APP for the State has submitted that it has come in the case diary that order was placed by the petitioner to the different customers and when the bill was placed in the Company then they were told that it is not correct work order and the same was forged.

In this manner, from the materials which have come in the case diary, as submitted by the learned APP, it is apparent that there was no any monetary transaction done by this petitioner or any misappropriation of money done by the petitioner.

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 Buddha Colony P.S. case no. 91 of 2018, 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 Sub Judge XVI- 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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