

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37977 of 2018

Arising Out of PS.Case No. -169 Year- 2017 Thana -BHAGWANPUR District- BEGUSARAI

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Pankaj Kumar Singh, son of Late Kedar Nath Singh resident of village -
Bhagwanpur, P.S. Bhagwanpur, District - Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai

For the Opposite Party/s : Mr. Amit Kumar Rakesh

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

11 06-10-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 406 and 420
of the Indian Penal Code.

The informant as well as the petitioner was Director
of the same company. Informant alleges that the petitioner
misappropriated the referred amount, which is in lacs of rupees, by
his different acts derogatory to the interest of the company.

Submission of learned counsel for the petitioner is
that entire allegation is a disputed question of fact which cannot be
decided by a Criminal Court. Moreover, the allegation is to be
established by the documentary evidence during course of trial.

Learned counsel for the complainant vehemently



opposed the prayer for anticipatory bail and submits that an identical dispute between the same parties was there in another criminal case and another Bench has referred the matter for mediation for the reason that the parties are cousins also.

Considering the nature of allegation and material, this is not a fit case wherein the petitioner should be compelled to go to jail. Hence, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Bhagwanpur Police Station Case No. 169 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioner shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

Nothing observed herein above shall prejudice the case of the parties.

(Birendra Kumar, J)

Kundan/Rajan

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