

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40732 of 2018

Arising Out of PS.Case No. -34 Year- 2018 Thana -MAHILA P.S. District- PATNA

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1. Abhishek Anand, s/o late Umesh Chandra Sharma, R/o Vill./Mohalla-
Birbasawan Nagar, Rukunpura, P.S.- Rupaspur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh, Advocate

For the Opposite Party/s : Smt Indu Kumari Srivastava, APP

Mr. Sanjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 12-07-2018

Heard learned counsel for the petitioner and learned

APP for the State as well as counsel for the Informant.

Petitioner apprehends his arrest in **Mahila P.S. Case No.34 of 2018** instituted for the offence under Section(s) 354-B, 341, 427/34 Indian Penal Code.

Counsel for the petitioner submits that he was member of Anti Fraud Squad under DRM/DNR as per order dated 15.02.2018 of the Sr. Divisional Commercial Manager and was authorized to perform various works including checking of booking offices. As per order of Sr. Divisional Commercial Manager, the petitioner checked the cash counter of the informant in presence of RPF Constable Sangeeta Kumari and others and cash was found short by Rs.280/-. Her personal cash



was also found short by Rs.100/-. Rs.2100/- was also recovered from the shocks of her left leg. Inspection report was signed by the petitioner, informant and witnesses. Petitioner submitted his report on the same day. Inspection report is annexed as Annexure-3. The informant was suspended for such illegal act on the same day i.e. 21.03.2018 and departmental proceeding is also going on. Instant case has been filed by the informant just to make out defence on account of aforesaid recovery from the possession of the Informant and initiation of departmental proceeding.

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 **Mahila P.S. Case No.34 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 **Judicial Magistrate, 1st class, 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 his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond 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.

JA/- **(Sanjay Priya, J)**

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