IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13019 of 2019

Arising Out of PS. Case No.-496 Year-2018 Thana- DANAPUR District- Patna

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Md. Aslam @ Mohammad Aslam @ Aslame @ Aslam Khan Son of Md. Saluddin @ Mohammad Salauddin Resident of Mohalla Naya Tola, Almizan @ Almizar Nagar, Phulwarisharif, District- Patna.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nil Kamal, Advocate
For the State : Mr. Narendra Kumar Singh, APP
For the Opposite Party/s : Mr. Arun Kumar Arun, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

8 02-09-2019 Heard learned counsel for the petitioner and learned APP representing the State.

The petitioner apprehends his arrest in connection with Danapur P.S. Case No. 496 of 2018, registered under Sections 420, 406 and 34 of the Indian Penal Code.

The allegation against the petitioner, as per FIR lodged by informant Abhishek Kumar, that the informant is Branch Manager in SAIJA Finance Pvt. Ltd., which is a Non-Banking Financial Company and used to provide loan to men and women. It has further been alleged that thereafter monthly repayment of the said loan used to be collected by its employee and the monthly installment collected has to be deposited in the Branch of the company. It has further been alleged that in course of duty other three employees and the petitioner did not deposit a sum of Rs. 26,03,550/- collected from other groups. It has further been alleged that Aslam Khan i.e. the petitioner has misappropriated a sum of Rs. 4,69,404/- of 9 groups.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case merely on the basis of the facts that once upon a time petitioner was working as Assistant in the company and had resigned in the year 2016, after a lapse of two years from the dates of resignation of the petitioner, the present FIR has been lodged without any material and basis. He further submits that all the allegation as alleged in the FIR pertains to the year 2018 i.e. after the resignation of the petitioner from the said company. He further submits that none of the allegation during course of the investigation has stated anything against the petitioner connecting him with the present offence.

On the other hand, learned counsel for the informant vehemently opposes the prayer for anticipatory bail and submits before the police authority, list of five group members have been submitted in which they have submitted that the petitioner is involved in collecting the loan amount and did not deposit the same with the Branch. He further submits that in the said process, the petitioner has misappropriated total amount of Rs. 4,69,404/-. He further submits that the petitioner has not resigned, and has left the company without any notice.

After having heard learned counsel for the parties and taking into consideration the fact that petitioner was working as Assistant in the aforesaid company and resigned in the year 2016, though learned counsel for the informant disputed that and none of the group members has stated anything against the petitioner connecting him with the present case, I am inclined to grant anticipatory bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from today, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Danapur, Patna in connection with Danapur P.S. Case No. 496 of 2018; subject to condition as laid down hereinabove and under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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