

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21906 of 2019

Arising Out of PS. Case No.-408 Year-2017 Thana- DALSINGHSARAI District- Samastipur

JAYVARDHAN KUMAR @ JAIVARDHAN KUMAR S/o Ashok Kumar
Singh Resident of Yarpur Rajputana, P.S.- Gardanibagh, P.O.- G.P.O.,
District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Aditya Kumar, son of Shailendra Kumar, R/o Prabhat Nagar, Ward NO. 2.,
Gobarshi, Sadar, Dalsing Sarai, Samastipur, Bihar-848114.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jagjit Roshan
For the Opposite Party/s : Mr.Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 15-10-2019 The petitioner apprehends his arrest in connection with

Dalsinghsarai P. S. Case No. 408 of 2017 registered under

Sections 409, 419 and 420 of the Indian Penal Code.

Allegation against the petitioner, as per FIR, is that

petitioner defaulcated a sum of Rs. 4,98,000/- of the Company,

namely, Aarohan Finance Services Pvt. Ltd., while posted as

Branch Manager of the Company.

Learned counsel appearing on behalf of the petitioner

submits that the Company in question is a non-banking

company and was engaged in granting loan to the women group

in the village and none of the beneficiaries has lodged any

complaint regarding defalcation of the amount of the company



being committed by the petitioner. He further submits that petitioner joined as a Branch Manager of this company in April, 2017 and submitted his notice for resignation in November, 2017 disclosing his intention to resign with effect from December, 2017. Learned counsel further submits that petitioner's resignation came into effect with effect from 1st December, 2017 and after the resignation of the petitioner came into force, the present FIR has been lodged on 18.12.2018 with *mala fide* intention by the Regional Manager of the Company. He submits that there was some defects in the software of the Company which would be evident from the FIR itself and there is no direct material to connect the petitioner with the present allegation of defalcation of the amount by him.

On the other hand, learned counsel for the State, referring to the case diary, submits that no cogent material has come against the petitioner connecting him with the present allegation of defalcation in the entire case diary.

Having regard to the submissions made by the parties and taking into consideration the fact that none of the beneficiaries or the women group have come forward making allegation against the petitioner for defalcation of the amount and the petitioner had submitted his resignation which came into effect



on 1st December, 2017 and thereafter the present FIR has been lodged, as such I am inclined to grant anticipatory bail to the petitioner.

Let the petitioner, above-named, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, 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 ACJM 1st, Dalsinghsarai in connection with Dalsinghsarai P.S. Case No. 408 of 2017; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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