

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27885 of 2019

Arising Out of PS. Case No.-395 Year-2017 Thana- JOKIHAT District- Araria

=====

SHAMS TABREJ @ SAMS TABREJ Son of Md. Murtaza Ali Resident of
Village - Jokihat, P.S.- Jokihat, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh

For the Opposite Party/s : Mr.Satyendra Prasad

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 13-08-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Jokihat Police Station Case No. 395 of 2017, disclosing
offences under Sections 406/420 of the Indian Penal Code.

The allegation against the petitioner, as per the First
Information Report, is that the informant, who is the District
Convenor of Zero Mass Company, from the last two months
received complaints about the customer service point, Sisauna,
that the petitioner did not deposit the money of the customers in
their account for the purpose of deposit through the customer
service point.

Learned Counsel for the petitioner submits that in
fact, the father of the petitioner had fallen ill during the relevant



period and the customer service point was taken care of by his staff, who committed certain irregularity. However, after returning from the treatment of his father, the petitioner came to know about this irregularity and he, immediately, returned the entire amount to the customers.

On the other hand, learned Additional Public Prosecutor submits that it has come in paragraph 18, 23 and 29 of the case diary that the petitioner has returned R. 37,000/- and odd to the customers.

After having heard learned Counsel for the parties and taking into consideration the fact that the amount has been returned by the petitioner to the customers and the petitioner was out of the town for the treatment of his father at the relevant point of time, I am inclined to grant the petitioner privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, Shams Tabrej @ Sams Tabrej, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria, in connection with Jokihat Police Station Case No. 395 of 2017, subject to the condition laid down under Section 438



(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

U	✓	T	✓
---	---	---	---

