

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61581 of 2018

Arising Out of PS. Case No.-279 Year-2018 Thana- CHAPRA TOWN District- Saran

Md. Rahman Khan @ Aijaur Rahman Khan, Son of Fazlu Rahman, Resident of Mohalla- Dahiyawan, Near Chhoti Masjid, P.S.- Chapra Nagar, District- Saran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shashi Shekhar Sharma
For the Opposite Party/s	:	Mr. Satendra Prasad, APP
For the informant	:	Mr. Jagannath Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 26-06-2019 Heard learned Counsel for the petitioner, learned Counsel appearing on behalf of the informant and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Chapra Town Police Station Case No. 279 of 2018, disclosing offences under Sections 406 and 420 of the Indian Penal Code.

The allegation against the petitioner, as per the First Information Report, lodged by one Dr. Rajeev Kumar Singh, is that the petitioner was the Accountant in his clinic and he misappropriated a sum of Rs. 3,00,000/- fraudulently taking advantage of his position. Further allegation is that the mother of the informant has signed on a paper that she would return the



money, but no money was returned by the petitioner's mother.

Learned Counsel for the petitioner submits that the petitioner is innocent and has not committed any offence in the manner alleged and at the time of lodging of the First Information Report, no statement of account or audit report was submitted before the police at the first instance.

Learned Counsel for the informant submits that the statement of accounts has been annexed in the counter affidavit filed on his behalf and from perusal of the same, it transpires that the petitioner was indulged in defalcation by deliberately disclosing the wrong total after addition of the total amount and in that way, he defalcated a sum of Rs. 3,00,000/-

After having heard learned Counsel for the parties, it transpires that there is a dispute of accounting, for which the First Information Report was lodged by the informant without attaching the statement of accounts and as such, the allegation of defalcation of Rs. 3,00,000/- was not corroborated by any substantive evidence on the part of the informant.

Considering the above, this application is allowed.

Let the petitioner, Md. Rahman Khan @ Aijaur Rahman Khan, 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, Chapra, Saran, in connection with Chapra Town Police Station Case No. 279 of 2018, 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.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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